



## REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, September 28, 2010, 6:00 p.m.  
Council Chambers, City Hall  
630 E. Hopkins Street

*Sherwood Bishop, Chair*  
*Bill Taylor, Vice-Chair*  
*Randy Bryan, Commissioner*  
*Bucky Couch, Commissioner*  
*Jude Prather, Commissioner*  
*Curtis O. Seebeck, Commissioner*  
*Jim Stark, Commissioner*  
*Chris Wood, Commissioner*  
*Travis Kelsey, Commissioner*

### AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. **NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**
6. **CUP-10-17.** Hold a public hearing and consider a request by Joe Flanagan, on behalf of Bar Entertainment, Inc DBA Nephew's, for a Conditional Use Permit to allow an amendment for the addition of an exterior seating area to an existing Unrestricted CUP for on-premise consumption of mixed beverages for Nephew's at 100 N. Guadalupe St.
7. **CUP-10-23.** Hold a public hearing and consider a request by Baccus Enterprises, on behalf of James Piper, to allow on-premise consumption of mixed alcoholic beverages in a GC district for Chimy's at 217 E. Hopkins.
8. **PC-04-07(01c).** Consider possible action on a request by Melissa Neslund, on behalf of Carma Inc., for a concept plan amendment for the Blanco Vista Subdivision.
9. **PC-04-10(02c). Cottonwood Creek.** Consider possible action on a request by Steve Ramsay, on behalf of Cottonwood Creek JDR, Ltd., for approval of the preliminary plat for Cottonwood Creek, Phase 1, Section 1-C, being 14.62 acres located along State Highway 123 about one mile south of Clovis Barker Road.



- 10. PC-08-07(03a). Village of San Marcos.** Consider possible action on a request by Amy Ledbetter Parham, on behalf The Village of San Marcos, for approval of the Final Plat of The Village of San Marcos Phase II, Lot 1, being 2.934 acres, more or less, in the J.M. Veramendi Survey No. 1, Abstract No. 17, located at 215 S. Reimer Ave.
- 11. PVC-10-04. Windemere.** Hold a public hearing and consider a request by Hermann Vigil, P.E., Vigil and Associates, on behalf of Rob Haug and Vince Wood, for a variance to 7.4.1.2 (f) of the Land Development Code, which requires right-of-way to be dedicated in accordance with city standards for an approximately 235 acre tract out of the T.J. Chambers, E. Burleson, R. Clever, and E. Clark Surveys.
- 12. WPP1-08-0010.** Hold a public hearing and consider possible action on a request by Jacobs Engineering Group, Inc., on behalf of Carma Paso Robles, LLC, for a Qualified Watershed Protection Plan Phase 1 for a subject area including 1338.5 acres - portion 1 located at the terminus of Centerpoint and Hunter Roads, portion 2 located east of Hunter Road and south of Centerpoint Road.
- 13. ZC-10-14.** Hold a public hearing and consider a request by Steve Ramsay, on behalf of Craddock Avenue Partners, to allow a Zoning Change from SF-6 (Single Family) to MU (Mixed Use) for approximately 2.23 acres, located at the southwest corner of Craddock Avenue and Bishop Street.

**14. Discussion Items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

**Planning Report**

- a. Update on Downtown Coding efforts.
- b. Draft Renewable Energy Ordinance

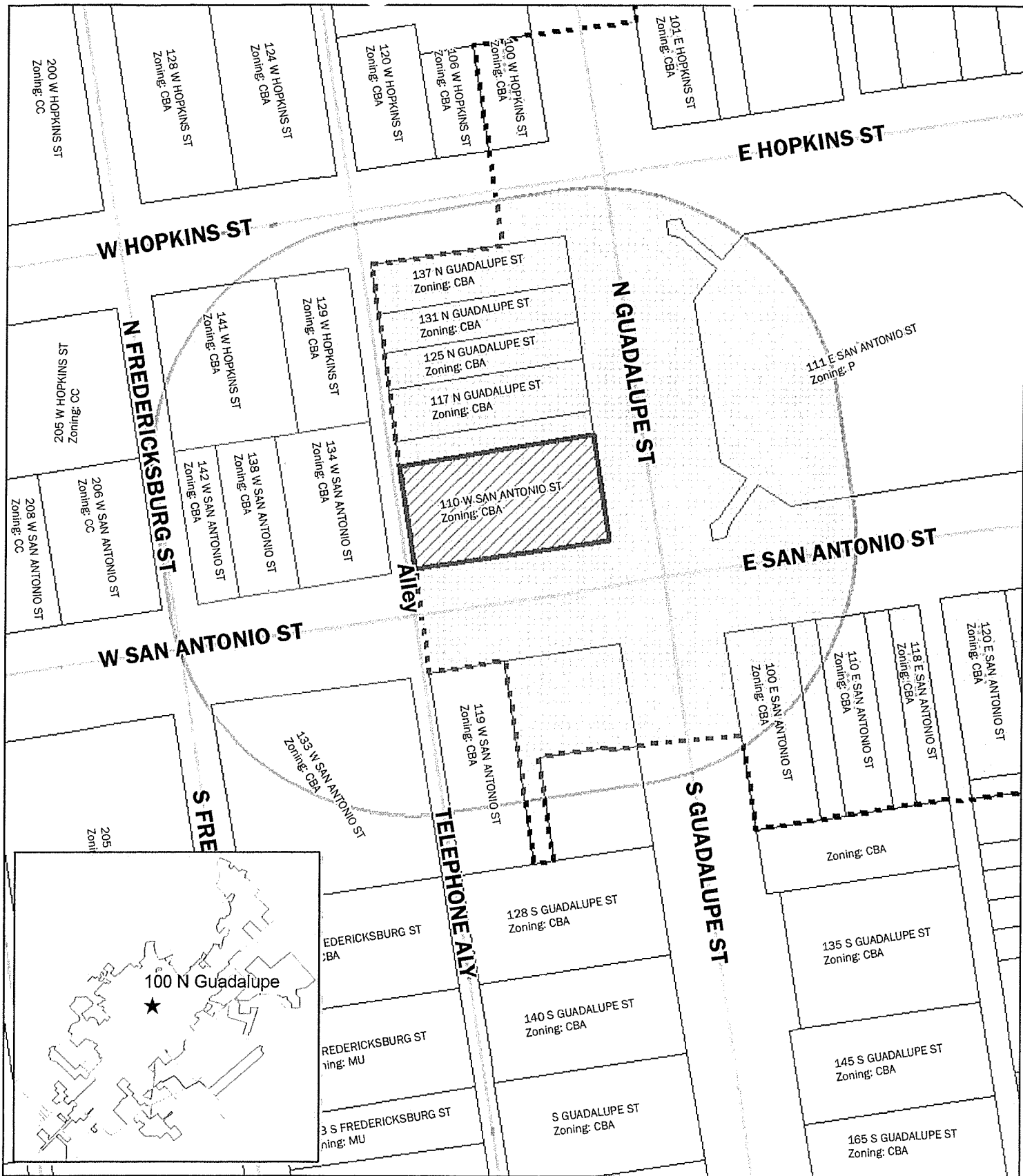
**Commissioners' Report.**

- 15.** Consider approval of the minutes from the Regular Meeting on September 14, 2010.
- 16.** Questions from the Press and Public.
- 17.** Adjourn.

*Notice of Assistance at the Public Meetings:*

*The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.*





**CUP-10-17**

**100 N Guadalupe**

**Map Date: 07/16/10**

Notification Buffer  
(200 feet)



Site Location



Historic District

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.

0 50 100 200  
Feet





# Unrestricted Conditional Use Permit CUP-10-17 Nephews



## Applicant Information:

Applicant: Joe Flanagan  
100 N Guadalupe  
San Marcos TX 78666

Property Owner: Charles Ramsey  
PO Box 2319  
San Marcos TX 78666

Applicant Request: Modification to an existing Unrestricted Conditional Use Permit (CUP) for on-premise consumption of mixed beverages to allow the addition of a patio.

Notification: Public hearing notification mailed on September 17, 2010. A list of property owners notified is attached.

Response: One letter of opposition on July 22, 2010, later withdrawn

## Subject Property:

Location: 100 N. Guadalupe

Legal Description: Original Town of San Marcos Block 11, Lot 2

Frontage On: Guadalupe, San Antonio

Neighborhood: Downtown

Existing Zoning: CBA

Master Plan Land Use: Commercial

Sector: Sector 8

Existing Utilities: Adequate

Existing Use of Property: Bar

Proposed Use of Property: Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	CBA	Commercial
S of Property	CBA	Commercial
E of Property	CBA	Commercial
W of Property	CBA	Commercial

## Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

### **Case Summary**

Nephews is located on the northwest corner of Guadalupe and San Antonio streets and holds one of the fourteen Unrestricted CUPs in the CBA. Business hours are from 8 p.m. to 2 a.m.

This request is to allow a new outdoor seating area. The business had used the outdoor area as a patio surrounded by a temporary fence without a permit prior to being stopped by the police. This case first came before Planning and Zoning Commission on July 27<sup>th</sup>. The Commission voted to postpone the request because there was a lack of information about the design and intended use of the patio and whether or not outdoor music was part of the request.

### **Comments from Other Departments:**

The Health Department stated that they would need to review plans of the proposed change. Police stated concerns about the safety of the temporary patio and provided a list of incidents at the location in the last year. The Marshal's office stated that the addition has raised issues related to occupant load, means of egress, and sprinkler coverage that have not been addressed. The Certificate of Occupancy inspection was declined in June 2010 by the Building Inspector and a final inspection has not been completed or requested as of this date. This means that the outside area is currently not allowed to be occupied by customers with alcohol.

### **Planning Department Analysis:**

The applicant is proposing a permanent patio without live music. The proposed site plan submitted by the applicant's architect shows four picnic tables for seating and no bar service areas or entertainment facilities. This is consistent with the applicant's statement that the patio area is to be an outdoor smoking area. The proposed patio is located at the rear of the building and is surrounded by buildings on three sides. A small parking area separates the patio from the alley.

A nearby property owner has raised concerns about the potential for noise from the patio, stating that exterior doors often remain open, allowing sound from inside to escape. There are several conditions below that address noise. The rest of the conditions clarify and reinforce code requirements.

**Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:**

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. Doors to the exterior patio area shall only be opened as necessary for ingress and egress;**
- 3. No speakers or live music shall be allowed outside;**
- 4. The applicant shall submit plans and receive all required permits from the Health Department.**
- 5. The applicant shall comply with all regulations regarding occupant load, ingress and egress, and sprinkler coverage as directed by the Fire Marshal;**
- 6. The applicant shall gain approval of a Certificate of Occupancy for the outdoor seating area, and**
- 7. Permits shall be pulled where required for all work completed or proposed.**

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial



**The Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

**Prepared by:**

John Foreman

Planner

September 20, 2010

**Name**

**Title**

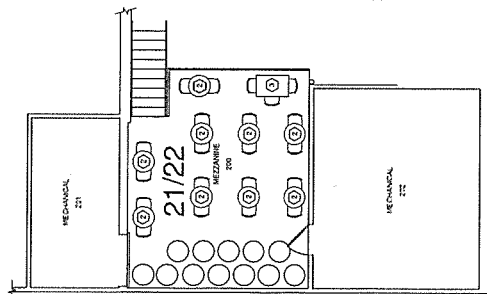
**Date**



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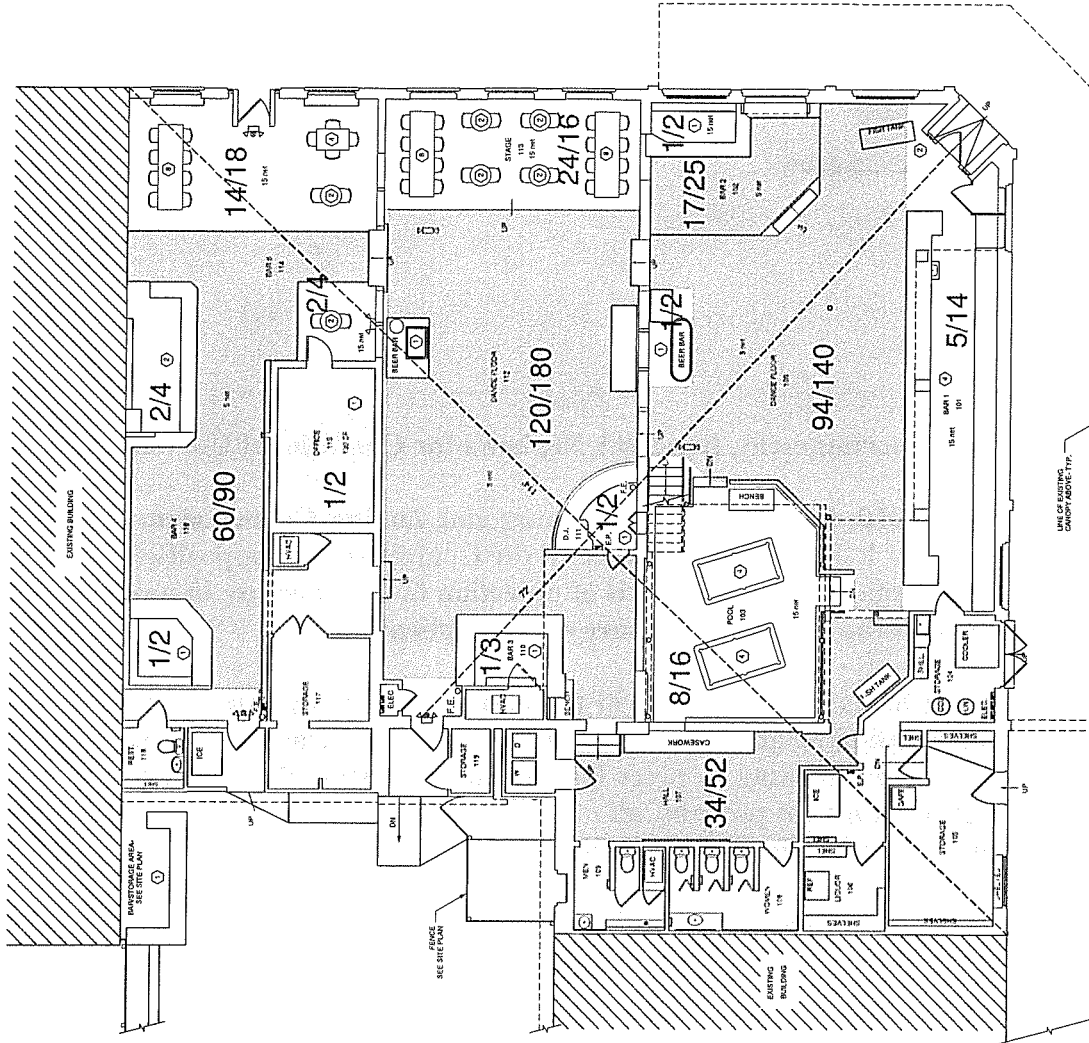
Although the original building construction dates from the 1920s, it has undergone numerous interior renovations over the years leading up to its current incarnation as the Nephews bar and tavern on the square in downtown San Marcos. For the purposes of this code analysis, the design standards of the 2003 International Building Code were used. All findings are preliminary and merely for review and discussion by the Owner, his authorized agent, and applicable City of San Marcos staff. No compliance with either the Americans with Disabilities Act or the Texas Accessibility Standards is expressed or implied.

1004.8 Outdoor areas. Yards, patios, courts, and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.



STORAGE/ SUPPORT AREA  
OFFICE AREA (100 SF GROSS)  
UNCONCENTRATED AREA (15 SF NET)  
CONCENTRATED AREA (7 SF NET/5 SF NET)

DESIGN LOAD VALUE/ ACTUAL CALCULATED



1  
EXISTING FLOOR PLAN  
SCALE: 3/16"=1'-0"

2 EXISTING MEZZANINE FLOOR PLAN  
SCALE: 3/16" = 1'-0"

re - planning - restoration  
EST HOPKINS STREET  
ARCHOS, TEXAS 78666  
12-053-0223 FAX: 512-353-3001



**CODE  
REVIEW SET-  
NOT FOR  
CONSTRUCTION**

NOTE: ALL WARRANTIES ARE PROVIDED ON AN "AS IS" BASIS AND MAY NOT BE COVERED BY THE MANUFACTURER'S WARRANTY. FOR FURTHER INFORMATION, CONTACT THE MANUFACTURER'S TECHNICAL SUPPORT DEPARTMENT.	DATE	REVISED	PROJECT NO.	SHEET NO.
	08/15/2018	08/15/2018	1000000000	1000000000

A

## **Foreman, John**

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**From:** John Hohn  
**Sent:** Monday, August 09, 2010 3:47 PM  
**To:** Foreman, John  
**Subject:** Permit Application by Bar Entertainment, Inc. DBA Nephews

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

**Date:** August 9, 2010

**To:** Mr. John Foreman:  
City of San Marcos

**Re:** Application by Bar Entertainment, Inc. DBA Nephews for Conditional Use Permit

At the Tuesday, July 27, 2010, meeting of the Planning and Zoning Commission, the above matter was opened for public comment. I, John Hohn, addressed the Commission in opposition to the application for those reasons expressed primarily from the basis of objection to any increase in noise emanating from the exterior of this business and the incomplete nature of the application.

Mr. Flanagan also spoke; he as representative of the application in support of issuance of the requested permit. During his presentation he announced that he, in summary, was not seeking a permit to have live entertainment outside, was not seeking to place loudspeakers outside, that this area was only to be used as an outside "smoking" area for his patrons, all of this to the rear of his business on a nightly temporary basis in the parking lot to be used for parking during the day.

As a general rule this type of business is prohibited from using any type of outside loudspeakers or sound magnification equipment in all of the entertainment districts in this area.

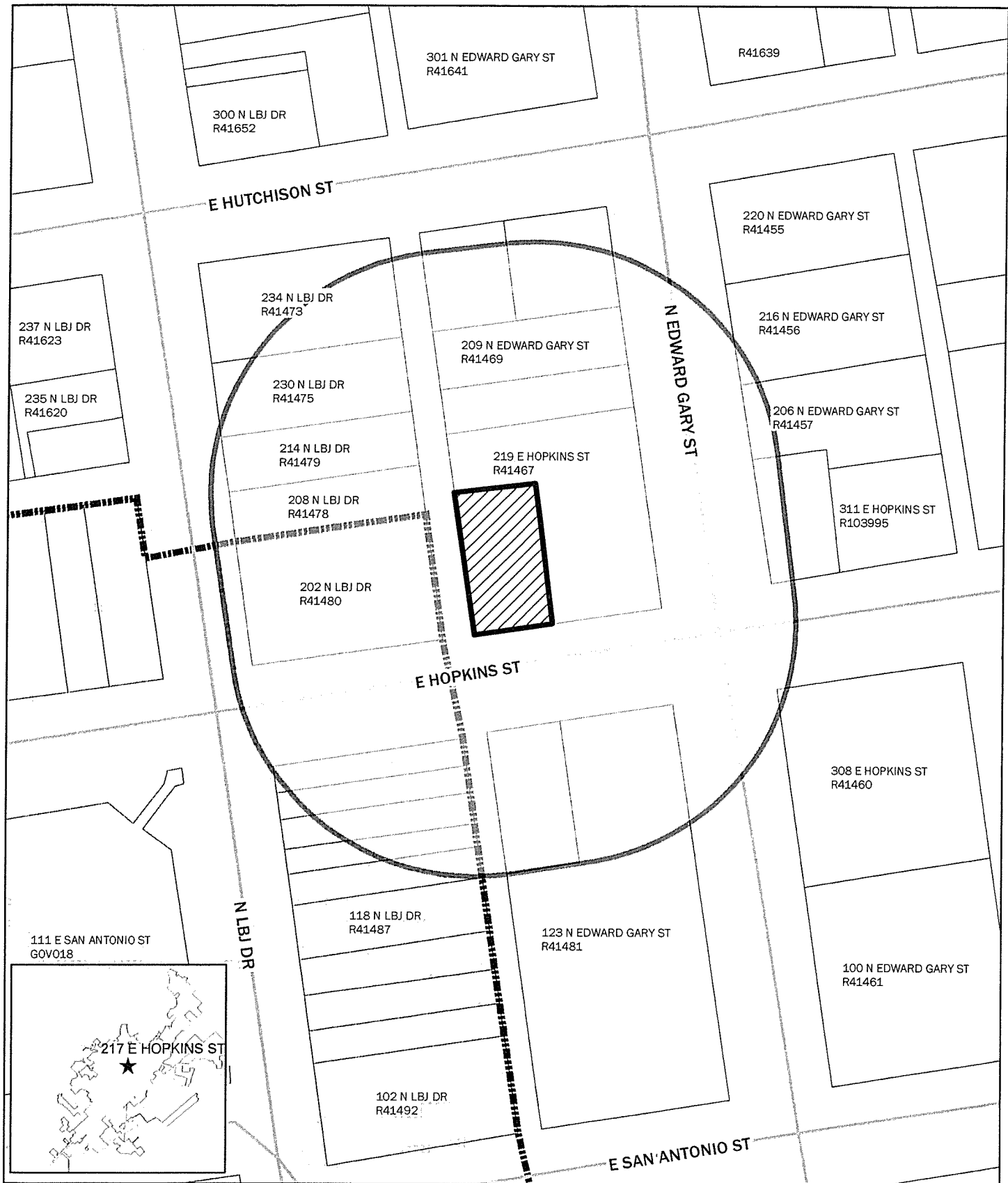
Due to the volume of the entertainment generally existing on the interior of Nephews it would appear that such volume would be more than adequate to supply the business patrons in the requested smoking area with adequate entertainment.

For these reasons I will withdraw my objection to the issuance of the requested permit if (1) the permit prohibits outside entertainment, and (2) the use of any loudspeakers or sound amplification equipment outside the building.

My plans are to be out of state on vacation for the remainder of this month starting this Friday. Therefore, would you please, (1) e-mail me a copy of any draft/recommendation you propose to issue on this subject, and (2) deliver these comments to the Commission when this subject is placed before the Commission during my absence from the state?

Would you please acknowledge receipt of this e-mail so that I know it has been delivered.

John Hohn



**CUP-10-23**

**217 E. Hopkins**

**Map Date: 9/8/10**

Notification Buffer  
(200 feet)



Site Location

Historic District

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.

0 50 100 200  
Feet





**Conditional Use Permit  
CUP-10-23  
Chimy's  
217 E. Hopkins**



**Applicant Information:**

Applicant: Baccus Enterprises-San Marcos LLC  
PO Box 781895  
San Antonio TX 78278

Property Owner: James and Tamara Piper  
2617 IH 35  
San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow on-premise consumption of mixed alcoholic beverages.

Notification: Public hearing notification mailed on September 17, 2010.

Response: None as of September 22, 2010

**Subject Property:**

Location: 217 E. Hopkins

Legal Description: Original Town of San Marcos, Lot Part of 1-2, Block 7

Frontage On: Hopkins

Neighborhood: Downtown

Existing Zoning: GC- General Commercial

Master Plan Land Use: Commercial

Sector: Sector 8

Existing Utilities: Adequate

Existing Use of Property: Vacant(previously a bar)

Proposed Use of Property: Bar/Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	CC-Community Commercial	Parking
S of Property	CC-Community Commercial	Bank/Restaurant
E of Property	CC-Community Commercial	Auto Service
W of Property	CBA- Central Business Area	Bar/Restaurant

**Code Requirements:**

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

### **Case Summary**

Chimy's is located on the north side of Hopkins just east of the square. The site was previously Waterdogs, which held a Conditional Use Permit for on-premise consumption. Business hours proposed are from 8 p.m. to 2 a.m. No live music is proposed. 52 fixed seats are proposed. A menu provided with the request shows a variety of food and beverages served.

### **Comments from Other Departments:**

The Health Department stated that they would need to review plans of the proposed change. Police, Fire, Engineering, and Building have not reported concerns.

### **Planning Department Analysis:**

This location along Hopkins is a key gateway into downtown. The applicant is making a number of improvements to the site and building, including replacing windows and doors and repaving the rear parking area. The site is just outside the Downtown Historic District and therefore not subject to Historic Preservation Commission review, but staff has provided the applicant with the Design Guidelines adopted by the Commission.

Since the site is zoned GC, LDC requirements for parking are in effect. Based on the 52 fixed seats, 13 parking spaces are required. 8 are provided on-site. The applicant has submitted a letter from the Goodyear next door stating the intention to lease spaces to Chimy's, but the Development Services Department has not yet approved the shared parking agreement. Staff has requested additional information about the Goodyear site to verify that the parking proposed to be leased to Chimy's is in excess of the LDC requirement for Goodyear. A letter submitted by Goodyear indicates that this is the case, but this must be confirmed prior to approval of the agreement.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

(Recommendation on following page)



Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;
2. If the LDC requirement for parking is not met on-site, a shared parking agreement shall be required in accordance with the LDC, and
3. The applicant shall submit plans and receive all required permits from the Health Department.

Since this location is along a key gateway into downtown and borders the Downtown Historic District, the Commission may also consider:

4. Signage for the business shall be consistent with the *Sign Design Guidelines for the Downtown Historic District* to the satisfaction of the Director of Development Services, appealable to the Planning and Zoning Commission.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

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- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

**Prepared by:**

John Foreman

Planner

September 20, 2010

**Name**

**Title**

**Date**

# The Goodyear Tire & Rubber Company

Larry Meeker, Real Estate Manager Southern & Mid-South Regions  
PO Box 8010, Orange Park, FL 32006  
Phone (904) 278-9262, Fax (904) 278-9169  
[lmeeker@goodyear.com](mailto:lmeeker@goodyear.com)

September 17, 2010

**VIA EMAIL**

Kyle Wright  
Chimys, Inc.  
Fort Worth, TX

RE: Goodyear Leased Property # 4735  
219 East Hopkins  
San Marcos, TX

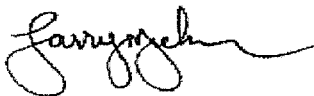
Dear Mr. Wright:

We have just obtained approval from our HQ to extend the lease at the above location. Now we can get serious about entering into an agreement to allow you to use a portion of our parking lot.

I understand your primary requirement is for the 11 parking spaces north of the Chimy's location. I have reviewed your planned improvements for this area and they look great.

I'm working a simple License Agreement that I should have to you by September 21<sup>st</sup>. Talk to you soon on the details. I'm confident we can come to an agreement in short order. Your success will be good for us as your neighbor and for the San Marcos neighborhood. We've been there a long time. All you will have to do say is "***we're next to Goodyear.***"

Sincerely,



Larry Meeker  
Real Estate Manager  
Southern Region

# The Goodyear Tire & Rubber Company

Larry Meeker, Real Estate Manager Southern & Mid-South Regions  
P.O. Box 8010, Orange Park, FL 32066  
Phone (904) 278-9262, Fax (904) 278-9169  
[lmeeker@goodyear.com](mailto:lmeeker@goodyear.com)

September 22, 2010

John Foreman and Council  
Planning Development Services  
630 East Hopkins  
San Marcos, TX 78666

RE: Goodyear and Chimy's San Marcos  
219 East Hopkins  
San Marcos, TX 78666

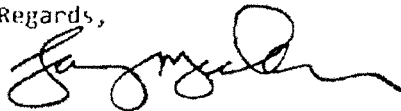
Dear Planning and Development:

The purpose of the letter is to inform The City of San Marcos/Planning Development and Council of our current Goodyear parking layout and the validation that Goodyear intends to lease a portion of our demised premises to Chimy's for additional parking. It is my understanding that Goodyear currently has adequate parking beyond the requirements of the Land Development Code. Below will illustrate the surplus of parking thus permitting Goodyear to lease additional parking under a contractual parking agreement.

Goodyear currently has 3,000 square feet of warehouse space (tires, equip. racks, etc.) at a rate of 1 parking space per 2,000 square feet with the current LDC requiring 1.5 parking spaces. The waiting room seating, office and storage area is approx. 2,100 square feet. At a rate of 1 space per 250 square feet, the current LDC requirements on this area is 8.4 parking spaces. The remaining 2,400 square feet is service bays (otherwise parking spaces) which at a rate of 1 parking space per 200 feet and the code requires 12.

So in essence there are 29 total parking spaces currently with the code requirement at 22. Therefore is a surplus of 7 spaces in which Chimy's will lease under a contracted parking agreement. Both Goodyear and Chimy's plan to work together and strive for success at every level.

Regards,



Larry Meeker  
Real Estate Manager  
P.O. Box 8010  
Orange Park, FL 32066  
Phone 904-278-9262  
Fax 904-278-9169  
[lmeeker@goodyear.com](mailto:lmeeker@goodyear.com)



ARCHITECTURE  
ENGINEERING  
INTERIORS

PAUL ANTHONY +  
ASSOCIATES, LLC  
SAN ANTONIO, TX 78201  
TEL: 214.520.8800  
WWW.PAULANTHONYDESIGN.COM

ISSUE:

# CHIMY'S CERVECERIA

217 EAST HOPKINS  
SAN MARCOS, TEXAS 78666

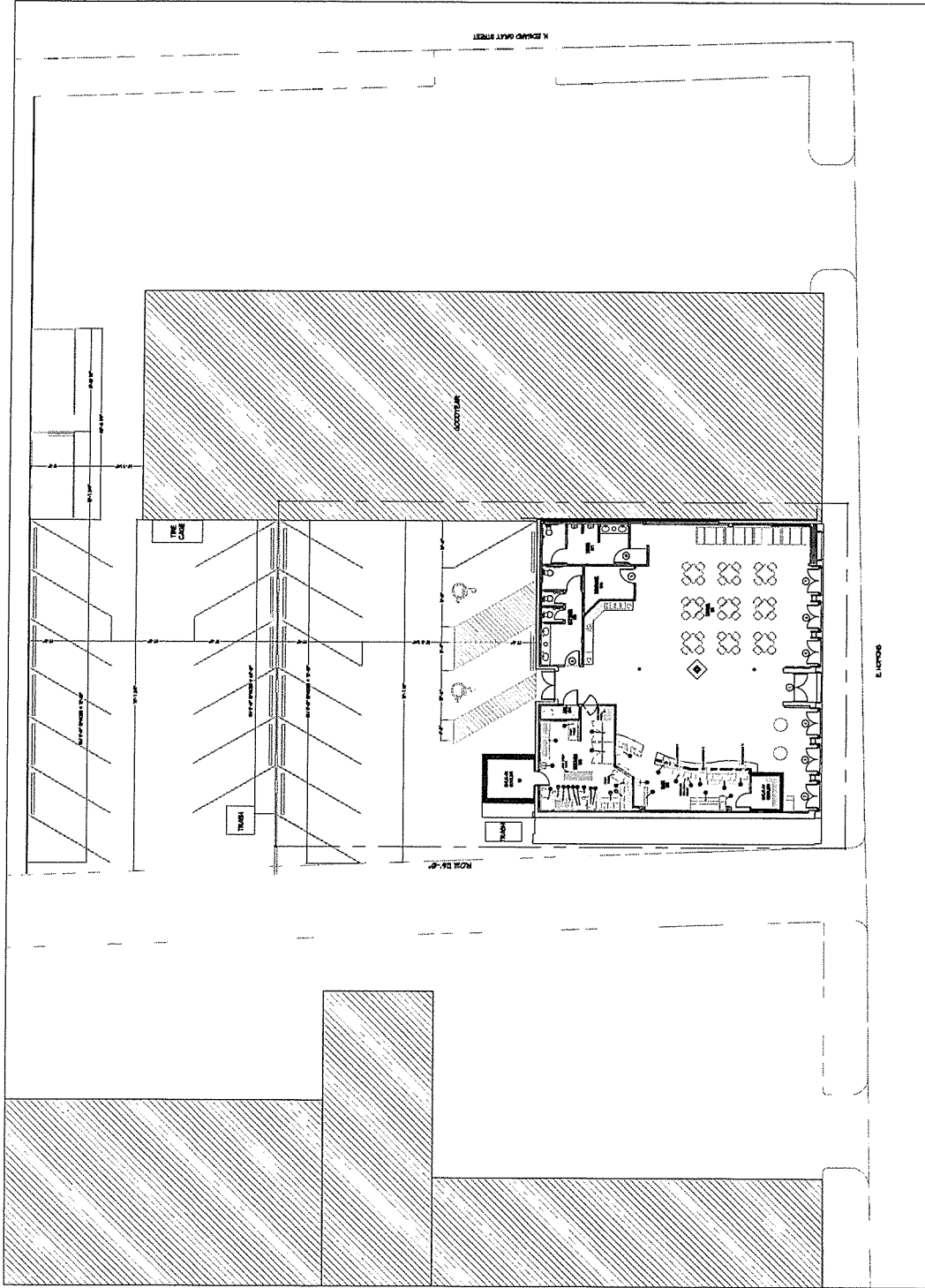
PRELIMINARY  
NOT FOR CONSTRUCTION  
APPROVAL  
OR CONSTRUCTION

09/03/2010

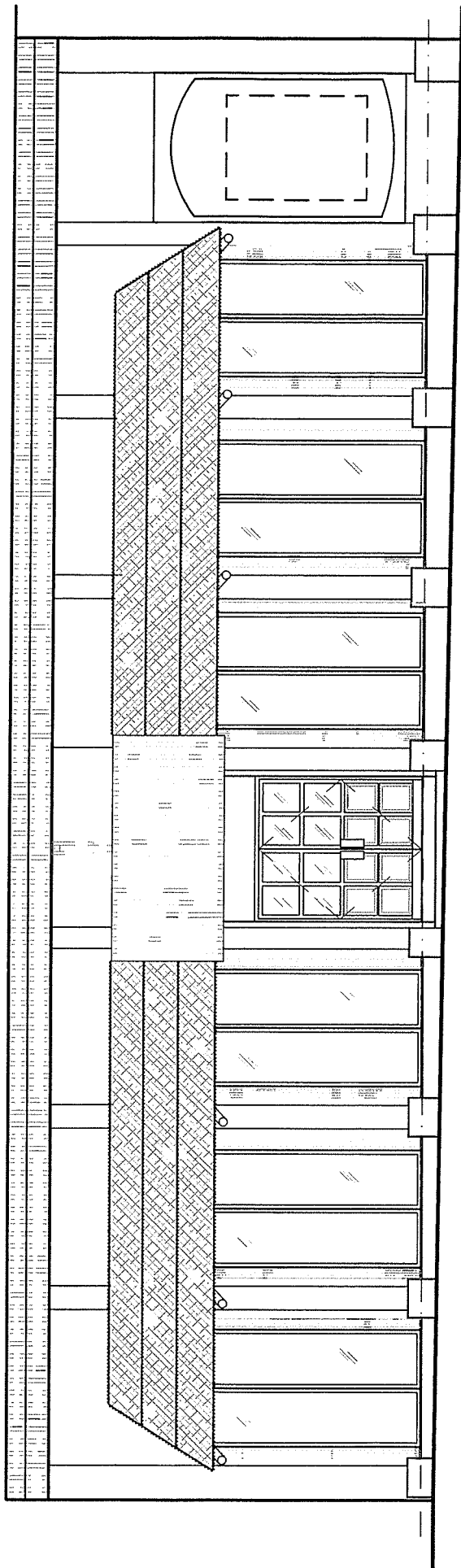
SHEET TITLE:  
SITE PLAN

JOB: 10-014  
DATE: 09/03/2010  
DRAWN BY: CEM  
SHEET:

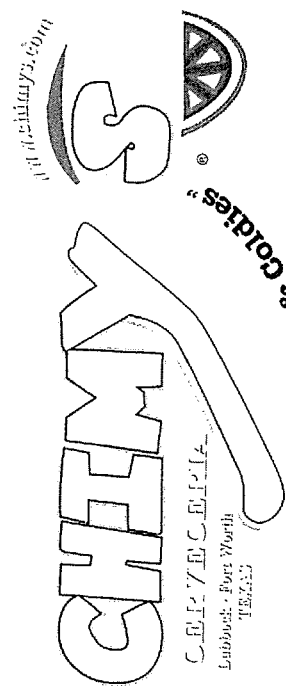
S-1



1 SITE PLAN  
SCALE 3/32" = 1'-0"  
NORTH



# Gut Rockets & Coldies



"Gut Rockets & Coldies"

MONDAY - SATURDAY 11:00 - 12:00 AM

CLOSED ON SUNDAY

( KITCHEN CLOSSES AT 10:00 PM )



2417 Broadway Ave. Lubbock, TX

IN A HURRY... GRAB IT TO GO!

806-763-7369



- \$ 1.50 Drafts
- \$ 4.50 Margaritas
- \$ 2.50 Wells
- \$ .99 Crispy Beef Tacos

WWW.CHIMYS.COM

The Gut Rocket first landed on the moon on February 27th 2002. The idea was created from sort of a lunar thought that was launched into orbit from Jackson Hole, Wyoming. After ripping the lips off some fatty cuts from nearby snake river, we were hoping to find a place that pours the coldest beer & squeezes out a gut-wrenching time all together.

A few coldies later... the vision of the "Gut Rocket", or otherwise "Moon Time Bar & Grill", gravitated into space. After landing on the moon, there as one small step for Chimys and one giant leap for "having a good time"!

BECOME A CHIMYS V.I.P.

Text the word Chimys1 to 74700

FOLLOW US ON



Let Chimys cater your next luncheon, business meeting or party!

WWW.CHIMYS.COM

## APPETIZERS

## SIDES

Chips & Salsa	\$ 1.99	Beans & Cheese	\$ 1.59
Chips & Queso	\$ 3.79	French Fries	\$ 1.99
Chips & Changa Mud	\$ 3.99	Queso or Guacamole	
Chips & Guacamole	\$ 3.59	Small order (2 oz)	\$ .79
Cheese Fries	\$ 4.29	Large order (5 oz)	\$ 1.79
Mexican Pizza	\$ 4.59	Green Chiles	\$ .59
		Grilled Onions & Peppers	\$ .79
		Tortillas (3)	\$ 1.99

## SOUPS + SALADS

Taco Salad (taco meat, lettuce, cheese, served in a fresh taco shell) with/Chicken	\$ 5.29
Cabo Salad (taco meat, mixed greens, black beans, corn, cilantro, cheese, slices of avocado) with/Chicken	\$ 5.99
Beef Fajita Salad (grilled beef, mixed greens, side of grilled onions and peppers, cheese)	\$ 6.29
Tortilla Soup (available October thru March)	\$ 6.59
Cup \$ 2.99 Bowl \$ 4.99	\$ 6.99

## NACHOS

Cheese	\$ 4.29
Bean & Cheese	\$ 4.79
Beef (taco meat, beans, cheese)	\$ 5.29
Chicken (grilled chicken, beans, cheese)	\$ 5.79
Beef Fajita (grilled beef, beans, cheese, onions & peppers, side of guac.)	\$ 7.29
Chicken Fajita (grilled chicken, beans, cheese, onions & peppers, side of guac.)	\$ 6.79
Combo Fajita (1/2 Beef Fajita nacho 1/2 Chicken Fajita nacho)	\$ 7.29
Green Chile Chicken (grilled chicken, beans, green chiles, pepperjack cheese)	\$ 6.79
Dirty Sanchez (pulled pork, beans, fried green chiles, pepperjack cheese)	\$ 6.29

## QUESADILLAS

Cheese	\$ 3.29
Bean & Cheese	\$ 3.79
Beef (taco meat, beans, cheese)	\$ 4.29
Chicken (grilled chicken, beans, cheese)	\$ 4.99
Beef Fajita (grilled beef, beans, cheese, onions & peppers, side of guac.)	\$ 5.99
Chicken Fajita (grilled chicken, beans, cheese, onions & peppers, side of guac.)	\$ 5.59
Green Chile Chicken (grilled chicken, beans, green chiles, pepperjack cheese)	\$ 5.59

## FISH TACOS

## CRISPY TACOS

Fried Fish	(dos)	\$ 3.99	Beef	(dos)	\$ 2.49
Grilled Fish	(uno)	\$ 2.29	Chicken	(uno)	\$ 1.49
	(dos)	\$ 4.99		(dos)	\$ 3.29
	(uno)	\$ 2.79		(uno)	\$ 1.79



## SOFT TACOS

Bean & Cheese	\$ 1.79
Beef (taco meat, beans, cheese)	\$ 2.29
Chicken (grilled chicken, beans, cheese)	\$ 2.79
Beef Fajita (grilled beef, beans, cheese, onions & peppers)	\$ 3.59
Chicken Fajita (grilled chicken, beans, cheese, onions & peppers)	\$ 3.29
Green Chile Chicken Soft Taco (grilled chicken, beans, pepperjack cheese, green chiles)	\$ 3.29
Green Chile Pork (pulled pork, green chiles, beans, cheese)	\$ 3.29



## GUT ROCKETS

Beef (taco meat, beans, cheese)	\$ 4.29
Chicken (grilled chicken, beans, cheese)	\$ 4.79
Beef Fajita (grilled beef, beans, cheese, onions & peppers, side of guac.)	\$ 5.29
Chicken Fajita (grilled chicken, beans, cheese, onions & peppers, side of guac.)	\$ 4.99
Green Chile Chicken (grilled chicken, beans, pepperjack cheese, green chiles)	\$ 4.99
Green Chile Pork (pulled pork, green chiles, beans, cheese)	\$ 4.99



## BURGERS + SANDWICHES

(Check out the Jalapeno bun!)

Chimpy Burger	\$ 5.99
Add Cheddar or Pepperjack Cheese	\$ 0.59
Green Chile Cheese Burger	\$ 6.99
Grilled Chicken Sandwich	\$ 6.29
Mexican Panga (spicy grilled chicken breast, fried green chiles, pepper jack cheese on a Jalapeno bun)	\$ 6.99
Philly Cheese Steak	\$ 6.99

LET CHIMYS CATER YOUR NEXT





# MEMO

**To:** Planning and Zoning Commission  
**FROM:** Sofia Nelson, Senior Planner  
**DATE:** September 23, 2010  
**RE:** Update on Status of Blanco Vista Concept Plan Amendment

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At your previous meeting, September 14, 2010, the Planning and Zoning Commission voted to postpone action on the Concept Plan amendment for the Blanco Vista Subdivision. At that meeting the Commission expressed strong concern regarding the lack of notification to the property owner of the subdivision, the lack of a phasing schedule and the need for more predictability in the plan (i.e. the location and amount of possible uses).

Since the meeting on the 14<sup>th</sup> the following has happened:

- September 20, 2010- Staff met with the applicant and reviewed a revised concept plan that includes a two phase phasing plan, limits townhomes to 450 units and multifamily to 450 units. The plan also identified 4 possible tracts for multi-family/townhomes totaling to a possible 242 acres of possible multi-family/townhome development.
- September 21, 2010- The applicant mailed notices notifying the residents of Blanco Vista of the amendments to the concept plan along with notification of the September 28<sup>th</sup> P&Z meeting.
- September 21, 2010- Staff attended a community meeting at the request of the Blanco Vista Subdivision homeowners association. Staff presented the case and answered questions. Walter Elias was also present and discussed the possibility (a submittal has not been made representing this possibility) of limiting multi-family to Tract J and still allowing townhomes throughout the development. Approximately 90-100 Blanco Vista residents were in attendance at the community meeting and expressed strong opposition to multi-family development and changes to a master plan that they expected would remain in place throughout the completion of the subdivision.
- September 23, 2010- Carma requested, see attached email, postponement of action on the Concept Plan amendment until the October 26<sup>th</sup> Planning and Zoning Commission meeting.

Staff is continuing to work with the applicant and continues to stress the importance of a detailed Concept Plan.



## Nelson, Sofia

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**From:** Walt Elias [welias@carmadevelopers.com]  
**Sent:** Thursday, September 23, 2010 7:57 AM  
**To:** Nelson, Sofia  
**Subject:** FW: Follow-up Blanco Vista  
**Attachments:** Walter A Elias E T .vcf; Walter A Elias E T 2.vcf

Sofia,

As we discussed we would like to respectfully request postponing our P&Z meeting date to a minimum of the 26<sup>th</sup> of October to allow us to meet with the homeowners groups, City Staff and the P&Z Commission to formulate a consensus of comments to better address the needs of the community.

Will this impact our current application in any way?

I will be sending out some information to our homeowners notifying them of our decision to postpone by email and assuring them that before any more action by the Commission we will be notifying and meeting with them for their comments on the new proposed elements of the plan.

Also, please give us a date in the first week in October that will work with your schedule so we can talk about any City Staff concerns.

If you need anything else from me, or our team, please feel free to contact us anytime.

Thanks,  
Walter

**Walter A. Elias, E.T.**  
**Development Manager**

**Carma**

Passion | Integrity | Community



Proud to be one of the top 50 employers in Canada and Best Places to Work.

**Walter A. Elias, E.T.**

Carma Developers  
Development Manager

(512) 391-1341 Work  
(512) 828-9449 Mobile  
welias@carmadevelopers.com  
9737 Great Hills Trail Ste 260  
Austin, TX 78759

**From:** Matthiesen Neslund, Melissa [mailto:mneslund@burypartners.com]  
**Sent:** Wednesday, September 22, 2010 10:34 AM  
**To:** Walt Elias  
**Cc:** Fowler, Charles  
**Subject:** Follow-up BVista

## Nelson, Sofia

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**From:** Melvin & Tommie Burklund [mcburklund@aol.com]  
**Sent:** Thursday, September 23, 2010 9:52 AM  
**To:** Nelson, Sofia  
**Cc:** mcburklund@aol.com  
**Subject:** Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We are against the proposed changes to Blanco Vista;  
Thank you  
MC Burklund

M. C. Burklund  
Computer,Control Systems,Telemetrics  
ITS (Intelligent Traffic Systems)  
Melvin C. Burklund  
133 Farm House Road  
San Marcos, Texas 78666  
Cell 512 738 1127  
email [mcburklund@aol.com](mailto:mcburklund@aol.com)

## Nelson, Sofia

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**From:** Sanchez-Sibony, Omar [os17@txstate.edu]  
**Sent:** Thursday, September 23, 2010 9:50 AM  
**To:** Nelson, Sofia  
**Subject:** Owner of Blanco Vista home: Opposed to changes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am a homeowner of Blanco Vista, my address is 113 Farm House Rd.

I STRONGLY oppose the changes that Carma is proposing. I bought this house last year with the explicit understanding that this would be a single family only residential community. The prospect of hundreds of apts and duplexes and condos in this community would lower the value of our properties, bring students, noise, etc...

I feel betrayed by these proposed changes and hope the Planning Dept will take the Homeowners' considerations in mind when making their decision. We are all united in the rejection of this new plan, as the last homeowners meeting clearly demonstrated.

Omar Sanchez  
Assistant Professor  
Dept of Political Science  
Texas State University--San Marcos

## Nelson, Sofia

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**From:** Ivan Talley [ITalley@brownmccarroll.com]  
**Sent:** Thursday, September 23, 2010 9:30 AM  
**To:** Nelson, Sofia  
**Cc:** Talley; Sheila  
**Subject:** Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sofia,

First, thank you so much for your thorough professional handling of this issue. I was finally able to view the taped meeting yesterday and that footage, along with my wife's own observations, have given me an extremely high opinion of your character and skills.

I'm emailing to confirm that the meeting is in fact being postponed and to request any electronic documents pertaining to Blanco Vista. Anything you are legally allowed to release would be appreciated since I'd like to review what they've filed in the past and also because the resolution of the online video doesn't allow me to make out any details regarding the phases, zoning, etc.

Thanks again for your attention to this issue and please pass along my appreciation to the entire staff there as well as the planning and zoning commission members. We really appreciate the concerns expressed on our behalf, on behalf of all future Blanco Vista residents, and the city as a whole.

Ivan Talley  
Blanco Vista  
222 Silo Street  
San Marcos

**BROWN** : Attorneys  
: at Law  
**MCCARROLL**

**Ivan Talley**

Network Manager  
Brown McCarroll, L.L.P.

111 Congress Avenue, Suite 1400, Austin, TX 78701  
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To: Planning and Zoning Commissioners San Marcos, TX

From: Richard and Brooke Shipley  
Homeowners in Blanco Vista Master Planned Community

My Husband and I are homeowners in the Blanco Vista Community & are greatly disturbed, concerned & angry at the proposed changes to the zoning in our "Master Planned" Community. Our family chose to purchase here because we loved the proximity of San Marcos to Austin and San Antonio and we were assured that Blanco Vista would remain a Master Planned Community with no Apartments! We purchased one of the "high" end homes in the community and are disgusted by the prospect that our home value would be greatly affected if these proposed changes do in fact take effect.

I attended the meeting on Tuesday the 21<sup>st</sup> of September 2010 and my observation is that very few of the questions being asked by myself and other concerned homeowners were not being addressed by the Carma representative. It was almost as if he was dodging our questions and being very "political" in his responses due to the sensitive nature of the meeting. He assured us that this new plan would be a great asset to our community and an investment into our home values, although he could not cite a single example of this taking place in any community. To the contrary, many of our homeowners have experiences as licensed realtors whom have seen communities trashed due to apartments being placed in close proximity to owned houses. Let's not fool ourselves. The only party who will benefit from this new zoning will be the big corporation Carma.

Below I have listed a few of the reasons that I oppose this rezoning. I would greatly appreciate it if you would place yourself in my position when considering how you will vote!

1. Our investment & value of our homes will decrease greatly due to the rezoning.
2. This will change the direction of a Master Planned Community (what was sold to me when I decided to purchase) to a lower-income neighborhood.
3. Apartments will encourage a lower-income tenant whom has no vested interest in the upkeep or the safety of our community including our streets, sidewalks, our community pool (which we pay handsomely for through our HOA fees), our signage, landscaping and of course, our personal property to include our houses and automobiles. San Marcos is home to Texas State and a fair share of those students will find their way as tenants to our neighborhood. The combination of college age children and lower-income tenants will increase the likelihood that drugs and alcohol will be exposed to our children in our neighborhood.
4. Our quality of life will be diminished due to increased traffic on Yarrington road. Yarrington road is not prepared to accommodate the extra vehicles due to a proposed rezoning. This will back up the already steady flow of traffic on the Yarrington Rd overpass which crosses two sets of four-way traffic stop signs. This will also potentially become a safety hazard when careless college students are

commuting and tired of waiting through the stop signs. How many of those folks will simply run the stop signs instead of patiently waiting?

5. The elementary school children will be in greater danger due to the increased traffic burden and the nature of careless drivers whom are in their lower 20's.

6. This can have an effect on further encouraging the building of more apartments. This in turn will further decrease the value of our homes!

7. Students and families who did not purchase homes in the community will try to sneak in and use our pool that we pay our HOA dues to maintain. This is already a major problem from tenants that live in the apartments on the other side of the railroad tracks. We are quite proud of our community pool and pay a very pricey fee to upkeep and enjoy this luxury.

8. This will discourage future families from purchasing in the community. Would you purchase anywhere knowing that they are placing apartments next door? The vision for Blanco Vista from the homeowners was to be a family oriented community where we could raise our children and encourage other families to make their homes here.

9. This new plan will eliminate Blanco Vista from being San Marcos's ONLY upscale, private Master Planned Community. This is the only available private community that has not been infiltrated with apartments and low quality of living. Our Community's unique oneness placed us on a pedestal and made San Marcos look more inviting to young families such as ours! This was to be our families haven from the party atmosphere of Texas State. If this new zoning goes through, it will make Blanco Vista just another cookie cutter community in San Marcos.

10. The apartment tenants will again use our sidewalks & running trails, which is to be a private privilege for the community. We do not want busy trails with college and non-paying tenants using what we pay for to upkeep. This will discourage mothers & families from taking a peaceful stroll down the trails that belong to our community.

When we purchased, we specifically asked a question of our builder about rentals. We had rented a house in San Antonio and saw that neighborhood become extremely low-income due to individuals from other states, purchasing houses and subleasing them to tenants. Our builder said that was not allowed in Blanco Vista and that every homeowner had to live in the home and could not purchase them for anybody else including other family members! I personally feel that I was lied to and therefore a contract was breached by Carma.

If our elected officials will not stand up for the citizens in Blanco Vista, then perhaps it is time to vote some new people into office who will stop these types of acts from happening to honest, hardworking Americans! My husband is on a campaign staff for a candidate running for Congress in District 20 (down in San Antonio). I'm sure that with his Political Science and Legal background, he would be more than happy to run a campaign either for himself or to aid another in winning in the next election.



If the commission sides on the behalf of Carma, then I fully expect that Carma will compensate my husband and I accordingly and refund us the full purchase price plus moving expenses of our home that we just purchased February 1, 2010. I promise you that we will be relocating to Austin and will tell anyone and everyone who will listen (including the media, newspapers, online blogs, political connections in Congress, etc.) what we think of San Marcos and Carma. I promise you that it won't be a ringing endorsement.

Richard and Brooke Shipley

## Nelson, Sofia

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**From:** Heather Gool [hkgoool@yahoo.com]  
**Sent:** Wednesday, September 22, 2010 8:32 PM  
**To:** Nelson, Sofia  
**Subject:** Blanco Vista - Proposed Amendments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sofia,

Thank you so much for presenting the proposed amendments to the homeowners of Blanco Vista last night. We appreciate you taking the time out of your schedule to allow us the opportunity to review the proposals.

I would like to take this opportunity to voice my concerns as to the proposed changes for several reasons. First and foremost I am confident these changes are not representative of the homeowners desires, as evidenced by the high turnout at last night's meeting.

When I met with the sales representative for Reytex Homes last May 2009, it was clearly communicated that this was a master planned community and at no time was there ever mention of multi-family units. The maps provided to me at that time did not include the plans for apartments nor does Carma's current website. I purchased my house here in November 2009 specifically for the community feel, the amenities, the potential to raise a family and to make this my home for an extended time. The addition of multi-family apartments will lower my property value, increase traffic, increase crime, devalue the amenities I currently pay for and slow the rate of future homeowners coming into the neighborhood.

Second, the flexibility requested by the developer, Carma, seems extremely generous. They are asking to have their cake and eat it too. Carma is not concerned with the homeowner's opinions as evidenced by their lack of communication and the attempt to railroad us into something we did not buy into. At last night's meeting, it was asked and requested several times to share the benefits of these planned changes. At no time could Walt Elias communicate ANY benefits to us other than to state, "I believe it will benefit the community."

Third, the rezoning of what appears to be 60 percent or more of the neighborhood to mixed use and the use of developer's standards vs the city's standards is a mighty tall request by Carma. Do they believe they are above other developers in our city and they deserve special rights? What this translates into is that they are lining their own pockets with undesirable and unwanted development in this beautiful neighborhood and will most likely continue to push for development not supported by the residents.

I am strongly opposed to the changes and urge the P&Z Committee members to decline the requested amendments.

Thank you!

--

Heather Gool  
230 Silo St.  
512-636-6865

## Nelson, Sofia

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**From:** Johnnie Lancaster [johnnie@jmsterling.com]  
**Sent:** Wednesday, September 22, 2010 4:43 PM  
**To:** Nelson, Sofia  
**Subject:** Carma - Blanco Vista Community

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

It came to my attention late this past Monday evening that Carma is asking the Planning and Zoning Commission to approve a new concept plan for the Blanco Vista community that includes multi-family units. I AM DEVASTATED! Before making your decisions for this change I want you to know the following.

I bought my property in the Spring of 2009. I asked all kind of questions concerning plans for the community and reviewed the layout of the land in the Model home several times. I was told, and saw on the layout, the land set aside for commercial development, fire station and park, and of course the school and swimming pool area was in existence. NEVER was I told, or did it show on the layout, that there would be townhomes or multi-family units. This community was to consist of **single family homes** and the cost of these homes was to eventually exceed \$300,000. I am a retiree and was very happy that I had found this community and thought I had the ideal situation for the remainder of my life.

If the Planning and Zoning Commission approves Carma's request our property values will immediately plummet, there will be all kind of safety issues and the quality of life will change drastically. I am asking the commission to please take the citizens of Blanco Vista into consideration before approving Carma's request. I think each one of you, and even higher officials of the City, should know that the plans for Blanco Vista were misrepresented to the existing 102 homeowners.

Thank you for your consideration.

Johnnie Lancaster  
238 Silo Street  
San Marcos, TX 78666  
512 667-6426  
[johnnie@jmsterling.com](mailto:johnnie@jmsterling.com)

September 22, 2010

To Whom It May Concern:

I don't even know where to begin. I am so upset by the news that Carma is seeking a concept plan change for Blanco Vista. My husband and I have lived in our home in Blanco Vista for less than 2 weeks and are feeling like we just made a huge mistake. When we signed our contract on our new home back in March, we would have NEVER done so knowing that Carma was trying to up the number of multi-family units to 900. I am very angry that they have advertised and sold this community as primarily single family homes, now have decided that they want to change their so-called "master plan". Isn't that a bit of false advertising? I was present at the Blanco Vista community meeting last night at the Blanco Vista Elementary cafeteria. Mr. Elias was present and kept saying that he believes this is a benefit to the neighborhood. If it is such a benefit, then why didn't they put this in the plan from the very beginning so everyone could make an informed decision about what they were purchasing?

Had I wanted to live and raise my 2 young children near an apartment complex full of drunken, irresponsible college kids, I wouldn't have chosen to buy a very expensive home in Blanco Vista. Has anyone even considered what it will do to the property values of the homes in the neighborhood? Or does anyone really even care? For those of us who own homes here, we will likely never be able to get back what we have invested.

Allowing this change will just be inviting young, irresponsible people who have no ownership in the community to the neighborhood. They will have no vested interest in maintaining the appearance of the neighborhood or the safety or quality of life of the residences. How is Carma going to regulate who moves into these apartments? They can't.

If this were your neighborhood, how would you feel about the proposed changes? How would you feel about the fact that you moved into this master-planned community for the predictability and all of a sudden the developer decided to make a huge change? Please do not approve this amendment to the concept plan for Blanco Vista. It is not fair and does not benefit the residents who have already invested in the community. Thank you for your time.

Sincerely,  
Andrea Kume  
606 Harwood Drive  
Blanco Vista

## **Nelson, Sofia**

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**From:** Kimberly Powell [kpowell@reoservices.com]  
**Sent:** Wednesday, September 22, 2010 3:32 PM  
**To:** Nelson, Sofia  
**Subject:** Blanco Vista Subdivision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon, Sophie and P & Z Commissioners:

I was quite disturbed when I heard about what Carma is trying to do at Blanco Vista Subdivision regarding amending the master plan. My concerns are as follows:

- \* As with the majority of other homeowners in the subdivision, I have never been made aware until this week that there were approved multi family unit plans for this development and now I discover Carma is trying to increase the supposed approved units from 180 to any where from 450 to 900.
- \* I have talked to several real estate professionals and they are all of the opinion that the addition of any kind of multi family unit in this development will decrease not only the value of existing homes, but of those to be built.
- \* The addition of even a 450 unit complex will not only increased traffic in the area, but crime as well. The San Marcos Police Department has been wonderful to patrol our beautiful community, but they are already stretched thin and this type of addition will put an increased strain on them.
- \* I feel that the developer has tried to "slip" this by the homeowners and gain approval from the Planning and Zoning Commission without Homeowner knowledge and that they are trying to amend it so that they have more flexibility than appropriate.
- \* I understand the housing market is down and that homes have not sold in this subdivision as quickly as the developer quite certainly expected; however, the financial hardship on the developer should not equate to financial hardships for current and/or future homeowners.
- \* The purchase of my home was based on a beautiful community of single family homes ONLY! I bought my home with the intention of retiring in Blanco Vista but am concerned that a multi family dwelling will drastically change the entire dynamics of this development.

I ask that the Commission please consider denying Carma's request or at least tabling it until current residents have sufficient time to become more educated with the Development Agreement between Carma and the City of San Marcos and to be supplied with more detailed plats and plans for these proposed units.

Thank you for your time, consideration and attention,

Kimberly Powell  
234 Silo Street

September 22, 2010

Dear Planning and Zoning Committee Members:

I am writing to express my strong objection to Carma's proposed amendment to the Blanco Vista concept plan. My husband, my six-year old son, and I moved into our new house in Blanco Vista last week. I moved to this subdivision because it was sold to me as a family-oriented community comprised of single-family homes and no apartments/renters. I feel I have been deceived. However, I am grateful that you are willing to hear our concerns and that you have postponed the decision until next week. Thank you.

I realize that there are a lot of angry and bewildered residents in Blanco Vista who are writing you. I appreciate that you care about our concerns for our own property values and quality of life. I am an Associate Professor in the Sociology Department at Texas State. I have worked there for nine years. I lived half that time in Austin and the other half in San Marcos. My experience in San Marcos has not been good and this year I planned to move to either Kyle, Wimberley, or back to Austin. However, by chance, I drove along Stagecoach Road and saw the Blanco Vista Subdivision. The area is breathtaking, one of the most beautiful I have seen. I was thrilled that I had found a way to remain in San Marcos and to provide a stable, safe, family-oriented community for my family. My son just started kindergarten at Blanco Vista Elementary and is participating in their progressive dual language program. I was so pleased that I could build the sort of life I have dreamed of for my family. However, I now feel that all of that is in jeopardy. This dramatic revision to the number of multi-family units allowed, the request for increased density, and the proximity of high density units to the elementary school, will reduce my son's safety, our sense of a stable community, my property values, and the beauty and tranquility of the area. This is a significant blow to the residents of Blanco Vista.

As you know, this decision has implications far beyond the current residents of Blanco Vista. At last night's meeting, the Carma developer was unable to articulate a single benefit to the residents of the proposed plan. I would also ask the committee, what is the benefit of this amendment for the city of San Marcos? I am not aware of a single one. However, accepting the Carma proposal represents an opportunity cost for the city. Blanco Vista has the potential to be a tremendous asset to San Marcos. It has the potential to attract higher income residents, increase the tax base, improve the reputation of our schools, grow the economy, increase tourism at Five Mile Dam Park, and attract businesses to serve the tourists and higher income residents.

The majority of the faculty members in my department do not live in San Marcos, largely because the city is dominated by a transient student population and has with little sense of community and continuity. Many want to live in a more stable area with families, without traffic/congestion, where property values are sufficient to support the development of strong schools, etc. These problems are liabilities for



San Marcos. The Blanco Vista subdivision was an insightful and progressive solution to these problems. I would ask that you consider whether Carma has exhausted all reasonable options for realizing the potential of this development before you allow them to completely dismantle it. For example, there has been insufficient marketing of the subdivision. I have seen no television advertising campaigns, no open-houses, no promotional efforts, no partnership with the University to introduce new faculty/staff to the area, etc. A San Marcos realtor told me that this was the best area in San Marcos, a gem, but no one knows about it. She said previous realtors have done none of the standard practices to promote the development. Have you asked Carma and the builders in the area, what steps they have taken to market the original plan? Why must we consider a radical departure from the plan before other more reasonable options have been explored? It is in everyone's best interest that this development succeed, why are we so willing to throw in the towel? The option proposed is radical and irrevocably ruins the potential of this area for the residents and the city. Please, reject the plan outright, or at the least, postpone the decision for 30 days to allow the exploration of less extreme options.

An additional concern is with the unpredictability of this request. We don't know what will be placed in the subdivision, where, or when. This sort of unpredictability in land use undermines the whole process of planning. Has Carma, provided the committee with a proposal for how to address the consequences of increasing the number of units by 400% and moving from low to high density? The proposed changes have implications for traffic flow, roads, additional police and fire protection, utility use, etc. All of these amenities/facilities have been developed based upon a set of assumptions associated with the original master plan and low density. They would no longer apply under the proposed amendment. Instead of merely a lost opportunity, the city may be facing a logistics and safety fiasco. The city will never attract permanent residents and create a strong tax base if this precedent of unpredictability is set. Kyle, Wimberley, Austin, and other areas will get our taxes, our business, and our electorate. The flexibility Carma is requesting is the antithesis of planning.

Carma is a corporation from outside the area, committed only to their profit margin. Once they have milked San Marcos for what they can get out of us, they will be gone. We will be left with the mess they leave behind. Conversely, I know that your mission is to engage in planning in a way that benefits the citizens of San Marcos and helps to realize the City's potential. I have great faith in the committee to carry out that mission. Thus I am hopeful that you will reject this proposal. Thank you so much for your time and consideration.

Sincerely,

Toni, Hector, and Hector Antonio Watt  
603 Easton Drive

## Nelson, Sofia

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**From:** austenphillips@utopiafoodsllc.net  
**Sent:** Wednesday, September 22, 2010 10:34 AM  
**To:** Nelson, Sofia  
**Subject:** Planning and Zoning Dept

Sofia Nelson,

Hi. My name is Austen Phillips and I currently bought a home in the Blanco Vista Community. I live at 218 Silo Street. I wanted to send you and email so that you can forward to the Planning and Zoning Commissioners on Thursday 9/23/10.

I just got the information regarding the possible change in removing town homes and replacing them with up to 900 multi family units. I was wondering if you had any more information on this issue, for example, if this was to happen; where would the units be built? How would this affect the current home value of homes in Blanco Vista if the units were built? If these units were going to be built, did Blanco Vista know of this and did not tell past homebuyers before they invested into buying a Blanco Vista home?

If so, don't you think that if people knew that, they may have not bought into such a neighborhood where family's could be family's without the disturbance of annoying college students? Don't get me wrong, I am 24 years old and a graduate of Texas A & M University, so I of all people know exactly what it is like to live in a "college town" surrounded with "college/family units". I feel that the point of a family based neighborhood, is to be a family based neighborhood. College days are over and I don't think that building 900 possible units is the right move to make in regards to "home life" for Blanco Vista.

Obviously, I am OPPOSED TO THIS CONCEPT OF CONSTRUCTING A POSSIBLE OF 900 FAMILY UNITS TO THE BLANCO VISTA MASTER PLAN.

If you have any more information regarding this issue, I would appreciate it.

Thanks so much,

Austen Phillips  
Utopia Foods LLC  
1619 E. Common Street  
Suite E-504  
New Braunfels, TX 78130  
830 832 5378 cell

## Nelson, Sofia

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**From:** Suzanne Gool [suzannegool@yahoo.com]  
**Sent:** Wednesday, September 22, 2010 7:50 AM  
**To:** Nelson, Sofia  
**Subject:** Blanco Vista Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

After attending the emergency meeting of Blanco Vista residents last night, I am very frustrated that the residents were not notified of the proposed changes for a planned community. The residents of Blanco Vista were told that this was going to be a planned community for single family dwellings. Now we are told the plan may be altered for multi family unit originally for 900 units, now changed within a week to 450 units. Carma is making changes on a daily basis to accommodate their wallets, and no consideration to the present homeowners. Walter Elias, representative from Carma, only flared the residents by not answering, what benefits the neighborhood with these changes.

I hope that the P&Z Committee will reconsider not allowing these changes. We have little faith in Carma to have any consideration for the homeowners and we need to have communication on the future of our Blanco Vista neighborhood. We were sold a community and now after buying the plan, it is being changed. I feel like we were sold "snake oil"!

Suzanne Gool  
230 Silo Street  
Blanco Vista

## Nelson, Sofia

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**From:** n [n\_warraich@yahoo.com]  
**Sent:** Tuesday, September 21, 2010 8:24 PM  
**To:** Nelson, Sofia  
**Subject:** blanco vista zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

attn sofia nelson.

i am living in blanci vista since last 2 years. i been living in san marcos since last 12 year and lived in few apartment complexes . when i bought my home in blaco vista , i thought i will never have those issues , which i have to deal with during my stay in multi family homes.I an also concerned for the value of my my home.pls make sure when zoning commision make the desision to consider the future of people like me.

naveed

muhammad

marcos tx 78666

114 split rail dr san

## Nelson, Sofia

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**From:** edward Mexitato [edwardmexitato@yahoo.com]  
**Sent:** Tuesday, September 21, 2010 6:44 PM  
**To:** Nelson, Sofia  
**Subject:** Save Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Planning and Zoning commissioners,

I am a resident of the Blanco Vista neighborhood and when my home was purchased, it was with the knowledge that our community was planned a certain and specific way. To recently hear that possible amendments could jeopardize that master plan that I signed into really disappoints me. Please keep my neighbors and their family's in your thoughts and do not allow any changes proposed by Carma that permit more multi-unit buildings.

Sincerely,

Joshua Lowe

My home was built during Phase 1 on Silo Street.

We purchased a home in Blanco Vista, May 28, 2010 - just a few months ago. As part of the sales promotion, we were presented with Blanco Vista's "master planned community". We were impressed with the plan as meeting the needs of our family, and paid good money to live in a community of this quality. We could have purchased a home a couple of miles north of Blanco Vista, with the same house plan & builder, and saved over \$10,000 in home costs, but decided to invest in the better, "planned" community here in Blanco Vista!

I regret that Carma miscalculated, and the housing market bottomed out, making their investment less than profitable. But, with their years of experience in these types of developments, they KNEW better than the average home owner just how long these communities take to build out.

Are "master plans" non-binding, to be changed at a whim by the land owner to increase his profits "after" so many bought into their original plan? Of course, increasing multifamily dwellings (to 900 units) and increasing town homes from 70 to "unlimited" - to be mixed in with our single family units will have a major negative impact on our infrastructure and the property values of our homes, not to mention our quality of life.

This was the 200 lb monkey in the room at the last P&Z meeting. There was a brief concern for infrastructure being stressed by the proposed plan and that the 102 residents already living in the community needed to be notified of the new changes. As of today, we have not been notified (nor personally know of anyone else who has been notified) by Carma of the proposed change in the "master plan".

Does this reek of an attempt to hurry and pass the new plan before anyone in the community can have a chance to respond? Someone on the P&Z suggested having another meeting in 30 day to allow time for studies to be made on the impact of the new plan. Carma was only too quick to narrow that down to two weeks knowing that the quicker they push this idea through, the better to avoid as much controversy as possible by the home owners. I also did not witness anyone vigorously defending the rights of the current residents who already live in Blanco Vista. I am deeply saddened by this process and the lack of concern for "us" the homeowners in Blanco Vista. Does "big money" win again or do you do what is right by the Blanco Vista residents who have made their futures here. This is a sad day for justice for the ordinary man and a boon for the man of big money!

We must make this right and I for one, who just discovered today the trashing of the original master plan, will do all in my power to bring to light the terrible injustice being perpetrated here and I would solicit the help of all the wonderful residents of Blanco Vista to stand up and be counted and not resign ourselves to defeat. We have right on our side! Time is short and we must act now. The plan will be voted on by the P&Z Committee at their next meeting on 9/28/2010 where the final decision will be made by the commission to change the master plan. It is incumbent of each of us to share our opinions of these changes. We are a small group and we need to all be represented.

Thank you for your help as it pertains to the very quality of our community!

John & Rebecca Aultman

114 Fence Line Drive

San Marcos, Texas

aultman31@live.com

## Nelson, Sofia

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**From:** Emily Foster [ehfoster456@yahoo.com]  
**Sent:** Tuesday, September 21, 2010 5:21 PM  
**To:** Nelson, Sofia  
**Subject:** Official Complaint with Developer Carma

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom it may concern,

I am a new home owner in the Blanco Vista master planned subdivision. I live at 602 Easton Drive, and today I was informed by two neighbors that our developer, Carma, has decided to change the direction for our subdivision. It appears Carma has already gone to the Planning and Zoning Commission and asked to change this development from a master planned residential home subdivision to a commercial and apartment development subdivision. It also appears Carma does not think it's important to inform the current home owners of their new development directions prior to making such a vivid change.

This is highly disappointing as this was NOT what I was sold. I am very concerned with the deceptive tactics being used by Carma by not taking the appropriate measures to inform their development's home owners with this hasty decision.

At this point I feel I have been deceived by the developer Carma and the builder Reytex. Before buying this home, I asked the very important question on the future of this new subdivision and was told how wonderful Carma was and the big plans they had for building various other phases only going up in price range from here with homes in the millions. I was informed that there would be no issues with Carma being unable to fulfill it's plans.

Please lend your support to stop any commercial, apartment, or town home development in the Blanco Vista Subdivision. I ask that Carma be forced to keep their word and follow through with building this wonderful community so many of us home owners have invested in.

Sincerely,  
Bill and

Charlotte Foster

## Nelson, Sofia

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**From:** Ivan Talley [ITalley@brownmccarroll.com]  
**Sent:** Tuesday, September 21, 2010 11:45 AM  
**To:** Nelson, Sofia  
**Cc:** Talley; Sheila  
**Subject:** Blanco Vista - Proposed Concept Plan Changes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Nelson,

I'm emailing you to register my concerns regarding the proposed changes requested by Carma Developers.

While I'm not necessarily opposed to adjustments being made to a master plan I feel that the changes as proposed are so significant, and deviate so substantially, from the original that there should be no approval of them at this time. These changes would affect the entire character of this development impacting not only us, the current residents, but all future residents and by extension San Marcos as a whole. I believe everyone needs time to understand these proposals before any actions are taken.

Current residents, and at least one of the builders to my knowledge, received no notification regarding these proposals until the Planning and Zoning Commission expressed their concerns on our behalf. Thankfully one of our residents noticed the article regarding this meeting in time to allow us to participate in the process.

In closing I'd like to emphasize my request that there be no approval regarding these proposals at this time. We're just asking for a reasonable delay so that we can learn, and evaluate, what is actually being requested and to make our opinions known. Thanks.

Ivan Talley  
Blanco Vista  
222 Silo Street  
San Marcos

**BROWN** : Attorneys  
: at Law  
**MCCARROLL**

**Ivan Talley**  
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## Nelson, Sofia

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**From:** JAMES [flame1945@centurylink.net]  
**Sent:** Tuesday, September 21, 2010 8:47 AM  
**To:** Nelson, Sofia  
**Subject:** Concept changes in Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

It has just come to my attention that Carma Developer is trying to change the zoning for our community. I am talking about Walter Elias who recently went to the San Marcos Planning and zoning commission and tried to get the zoning in our community changed allowing Carma to build 900 apartments and businesses in our community.

WHEN WE BOUGHT IN BLANCO VISTA WE WERE TOLD THAT IT WAS A PLANNED COMMUNITY FOR FAMILIES. WE LIKED THE CONCEPT THAT IT WOULD BE SAFER PLACE TO LIVE AND ABLE TO WALK THE NEIGHBORHOOD IN SAFETY. WE ALSO LIKE THE POOL WHICH GIVES MY WIFE AND I A PLACE TO EXERCISE. CAN YOU IMAGINE HAVING 900 MORE PEOPLE IN THE POOL WE BOTH RETIRED FROM HAYS COUNTY DA'S OFFICE AND THE COUNTY CLERK'S OFFICE AND MOVED AWAY FOR SEVERAL YEARS. WE RECENTLY MOVED BACK LAST NOVEMBER AND WERE TOLD ABOUT BLANCO VISTA. WE WERE SO HAPPY WE FOUND SUCH A NICE PLACE TO LIVE. ALL THE NEIGHBORS INTERACT WITH EACH OTHER. THEN WHAM, SEEMS LIKE WALT AND WHOEVER ELSE WITH CARMA HAS DECIDED TO CHANGE THE PROGRAM WITHOUT EVEN NOTIFYING THE RESIDENTS. YOU AND I BOTH KNOW IT IS TO LINE THEIR POCKETS WITH MORE MONEY WITHOUT ANY REGARD FOR THE ONES OF US WHO HAVE ALREADY BOUGHT HERE. IF THEY SOMEHOW GET THIS PASSED THEN I HOPE THEY MAKE THEIR POCKETS REAL DEEP.

I AM ASKING THE PEOPLE ON THE PLANNING AND ZONING COMMISSION TO NOT ALLOW CARMA AND THEIR REPRESENTIVES TO DOUBLE CROSS THE RESIDENTS WHO BELIEVED THEM AND INVESTED IN THIS COMMUNITY.

THANKS,

JAMES S. AND BOBBIE E. COLEY

121 SILO STREET, 512-805-3200

## Nelson, Sofia

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**From:** Esquivel, Tamara [Tamara.Esquivel@i3research.com]  
**Sent:** Monday, September 20, 2010 3:11 PM  
**To:** Nelson, Sofia  
**Subject:** Proposed Changes to Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Planning and Zoning Commissioners:

It was with great dismay that I read an article regarding Carma's concept plan change for my neighborhood. I was especially concerned that this major change could take place without any notification. My husband and I met in San Marcos as students and decided to make this city our home. We proudly purchased our first home last year in Blanco Vista because it had the key elements we were looking for to raise our family: safe streets and sidewalks, a neighborhood school, a community center/pool, a nearby park with recreational facilities. We love our neighborhood and our neighbors. It is the perfect place to raise our two children.

We *never* would have moved here knowing that there would potentially be 900 apartment/townhomes right up the street. That equates to thousands of people, most of whom would be college students, with no interest vested in the community. We have lived the apartment life and know the realities of it.

I understand that the concept plan has issues to resolve, but this should not be done at the residents' expense. I would appreciate the commissioners to look out for the best interests of the residents of San Marcos and not the interests of unscrupulous developers. Please do not set a precedent and make San Marcos unattractive to potential home buyers by changing zoning and allowing for "flexibility".

Regards,

**Tamara Esquivel**  
Blanco Vista Resident  
121 Old Settlers Drive  
San Marcos, TX 78666

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## Nelson, Sofia

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**From:** David Watts [davidandrewwatts@gmail.com]  
**Sent:** Monday, September 20, 2010 2:59 PM  
**To:** Nelson, Sofia  
**Subject:** Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mrs. Nelson,

My name is David Watts and my wife and I purchased our very first home ever in the Blanco Vista community on July 22, 2010 and were married shortly thereafter on September 5, 2010. We looked at many houses before deciding on the home in Blanco Vista, and namely chose this community because of the master plan, proximity to 5 mile Dam Park, the closeness of schools and the City of San Marcos. We are both 32 years old and grew up in the same town (Killeen) and finally found each other again after I fell in love with her in grade school. I tell you this because we thought that raising a family here was ideal, and the master plan Blanco Vista sold us on was instrumental in the stable and safe community we were looking for.

My wife is an elementary school teacher that teaches an autism unit in Alamo Heights and I work as a financial analyst for a consulting company in Austin. We travel many miles each day, and coming home to a safe, quiet and peaceful neighborhood is exactly what we envisioned after a long day of IH35 traffic. As we both try to find jobs closer to home, the ability for that quiet community and peace of mind is in jeopardy with this proposed plan change.

We were very surprised, if not appalled that the developers submitted the proposal without notifying all current Blanco Vista homeowners of the proposed change. I applaud the commissioners for their due diligence in requesting comment from the current homeowners and hope that the comments received will help in deciding against this proposal.

While I can understand that Blanco Vista wishes to increase sales and fill up the community faster so that their finances are not adversely affected during these rough times, their actions will adversely affect those tax paying citizens of San Marcos that believed in their vision of a master plan that provided a safe community, stable property values and enhanced quality of life where (speaking only for ourselves) my wife and I can proudly raise our family.

Thank you for your time and consideration,  
David and Melissa Watts  
125 Old Settlers Dr.  
San Marcos, TX 78666

## Nelson, Sofia

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**From:** Laney, David [David.Laney@twtelecom.com]  
**Sent:** Monday, September 20, 2010 2:55 PM  
**To:** Nelson, Sofia  
**Subject:** Blanco Vista

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

My wife and I purchased a home in Blanco Vista two years ago because the neighborhood was a master planned development and we liked what we saw and figured we were making an investment in a great development. The economy dumped and hurt everyone on the value of the homes. The economy is something that affects all of us along with the developer. Both parties are losing but for the developer to be allowed to change the zoning it breaches what the homeowners bought into a Master Plan Development. Telling someone one thing to get them to buy in and change the rules later is not good business practice.

David L. Laney  
OSP Manager Austin  
**tw telecom inc.**  
9229 Waterford Centre Blvd Suite 100  
Austin, Texas 78758  
Phone 512-485-1770  
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## **Nelson, Sofia**

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**From:** Serna, Francis  
**Sent:** Monday, September 20, 2010 8:02 AM  
**To:** Nelson, Sofia  
**Subject:** FW: Blanco Vista Zoning changes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Scott K. Dodson [mailto:[scott.dodson@reconmapping.com](mailto:scott.dodson@reconmapping.com)]  
**Sent:** Sunday, September 19, 2010 10:08 AM  
**To:** Planning Information  
**Cc:** 'Sandy Dodson'  
**Subject:** Blanco Vista Zoning changes

Dear Planning and Zoning Committee,

As a home owner of the Blanco Vista Community, and head of the neighborhood watch, we are very active in trying to make Blanco Vista a great place to live. We were dismayed to be sent an article from the paper telling us that Carma Developers is trying to sneak major changes into the master plan of our community without even having the courtesy of telling the present homeowners. We were glad to hear the committee had concerns about us, and are happy to hear the approval was delayed.

We are sending out notice to our neighbors, and starting a petition showing our opposition to these changes. Can I please get contact information for the members of the committee so we can express our displeasure, and find out what other steps are available to us to stop Carma Developers from going back on the promise of the Master Planned Community that they already sold us?

Sincerely,

**Scott and Sandy Dodson**

**134 Fence Line Dr.**

**San Marcos**

**President - Recon Mapping LLC**

(512) 213-4555

(512) 216-6036 New Fax

(512) 749-9745 Cell

[scott.dodson@reconmapping.com](mailto:scott.dodson@reconmapping.com)

[www.reconmapping.com](http://www.reconmapping.com)

# Chance W. Sparks, MPA, AICP

610 Irvin Drive • San Marcos, Texas 78666 • 830-221-6415 • chancewsparks@gmail.com

September 24, 2010

City of San Marcos Planning and Zoning Commission  
Department of Development Services  
630 E. Hopkins St.  
San Marcos, TX 78666

RE: Blanco Vista Concept Plan Amendment

Dear Commissioners,

This letter is in reference to Carma's request to amend the Concept Plan for Blanco Vista, a master-planned subdivision located between Old Stagecoach Road and Yarrington Road, along Blanco Vista Blvd. As a homeowner in this neighborhood, I would like to thank the Commission for delaying action on Carma's request to allow homeowners in Blanco Vista the opportunity to comment on the proposal.

I write this letter to provide the Commission important information to consider in future decisions related to Blanco Vista, and to offer a cooperative hand to the developer in hopes of resolving what has become a negative, emotionally-charged situation. In this letter I will discuss Carma's lack of outreach to homeowners despite the significant impact of the proposed changes on community character, a summary of homeowner concerns about the proposed changes, legal appropriateness of actions taken through the Concept Plan process, and what I feel are potential solutions that grant Carma necessary flexibility to complete a high-quality development without sacrificing character and predictability needed by homeowners and city staff.

## **Carma Texas' Intentional Circumvention of Homeowners**

Based on my understanding, Carma has been in contact with San Marcos elected and appointed officials, and staff for the last 11 months. During this time, Carma procured the services of Bury + Partners, a firm very familiar with Land Development Code procedures and citizen participation requirements. Bury + Partners and city staff would have clearly told Carma early in the process that notification is not necessary for Concept Plan amendments. However, both would have been quick to recommend Carma immediately contact the HOA for coordination, given the nature of the amendment. Instead, Carma chose to avoid the HOA and force a poorly-conceived, non-compliant Concept Plan through the Commission on what can only be described as a "Rocket Docket" schedule. This action is inexcusable and shows a complete lack of respect for those of us that were willing to take a financial and familial risk in a new neighborhood.

It was only once called-out by several Planning and Zoning Commissioners that Carma notified the HOA of its intentions. Otherwise, the Concept Plan would have been passed in a vacuum, with not a single homeowner aware of what was occurring in their own backyard. In development practice, Carma's approach is commonly described as "politics by ambush," in which they invite public comment only once a plan is finalized and on a schedule that makes community mobilization difficult and discourages meaningful discussion, if public comment is invited at all. As a result, Carma may have done irreparable harm to its relationship with the Blanco Vista homeowners—the people that were willing to take a risk to invest early in Carma's project. Most Blanco Vista residents view Carma with significant skepticism and consider their actions deceptive at best and fraudulent at worst.

Carma's poor understanding of the community and homeowners was clearly on display at the HOA meeting, during which their representative made a number of unsubstantiated statements espousing the benefits of a 500% increase in multifamily and townhome units within the boundaries of Blanco Vista. When pressed for an explanation of the statements regarding the benefit of Carma's proposal, Carma's representative was completely unable to provide a

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reasoned response. This further demonstrated that Carma had given no thought to those of us that took a risk by purchasing early in what Carma had marketed as a family-oriented, stable, master-planned community. In fact, the number of Concept Plan amendments and various changes seem to reflect Blanco Vista is anything but master planned.

### Summary of Concerns

Carma's deceptive approach to the amendment has naturally enflamed homeowners and led to confusion reading the impacts of multifamily development on single-family residential, and the demographics of apartment dwellers. While I'm sure some officials would be inclined to dismiss the concerns of the entire HOA based on extreme comments from a few passionate homeowners, the Commission must realize that there are serious implications for the stability and quality of Blanco Vista under Carma's proposal that are causing this level of response. These issues are generally itemized as follows:

1. Under Carma's initial proposal at the meeting, they proposed 900 units of multifamily/ townhouse, a 500% increase over the amount stated in the 2007 Concept Plan. This takes multifamily/townhouse from about 8% of the units to about 40%, drastically altering the character of the neighborhood.
2. Under this proposal, the multifamily is permitted on approximately 45% of the land area, in contrast with about 10% of the 2007 Concept Plan. Again, this drastically alters the character of the neighborhood.
3. The base zoning of mixed use is not subject to the occupancy restrictions stated in the LDC, creating potential for a 500+ acre Sagewood. Placing the restriction on the Concept Plan is not legally enforceable, and it would not be turned-up in an investor's title search. This does not provide effective protection to homeowners.
4. The Concept Plan is being used inappropriately to alter development standards and land uses, violating due processes clearly established in the Land Development Code for Planned Development Districts and Zoning Map Amendments.
5. The Concept Plan cannot effectively put in place safeguards to ensure the quality of any multifamily. A Planned Development District is necessary to provide those safeguards.
6. The Concept Plan eliminates all predictability from the development. This creates a scenario virtually guaranteeing the marketing failure of single-family detached residential development. Future homeowners demand a predictable environment in which to make their largest investment.
7. The Concept Plan does not address existing issues of inconsistently applied development standards, such as setbacks and minimum lot sizes, and the altering of development standards outside of required citizen participation processes.
8. Carma's approach has resulted in severe negative publicity for Blanco Vista, damaging the potential success of the neighborhood. Outsiders are already beginning to question its stability.
9. Carma's distribution of apartments under the initial proposal would result in traffic patterns that would negatively impact traffic flow around the school, which could be easily rectified through careful placement of apartments.

### Questionable Legal Standing of the 2007 Concept Plan Amendment and Appropriateness of the Concept Plan as a Means to Fully-Entitle the Developer

As mentioned previously, Carma's use of the Concept Plan as a means to alter development standards and warp the intent of mixed use zoning violates due process provisions for citizen participation and decision making elements of the Land Development Code. The Code is quite clear that altering development standards may not occur through the platting process without zoning variances, zoning changes and/or establishment of a Planned Development District (PDD). This exposes both the developer and city to legal liability. Promises by the developer to address neighborhood concerns through notes on the concept plan are woefully insufficient guarantees of compliance. Concept Plans are

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not recorded documents, and thus such requirements are unlikely to be identified in a title search. In addition, Concept Plans are not legally recognized as enforcement documents for development standards and land use.

Additionally, Carma has indicated they already have entitlement to some elements of multifamily through the 2007 Concept Plan. However, one should note that the 2007 Concept Plan was approved in error, as it did not include the required elements of a Concept Plan as clearly stated in the Land Development Code (i.e. did not include phasing, etc., and modified development standards without following established due process for PDDs or variances). As a result, Blanco Vista homeowners do have legal avenues available, and I can only speak for myself in saying that I am not afraid to use them (keeping in mind that the City of San Marcos holds liability for violating its ordinances).

### Recommended Solution

While some in the neighborhood are vehemently opposed to any form of multifamily or attached housing product, I recognize the realities the developer is facing as well as the importance of diverse housing stock to stabilize a neighborhood. The Blanco Vista HOA is not a CAVE (Citizens Against Virtually Everything) organization and appear willing to work with the developer to meet his needs while ensuring homeowners are adequately protected.

I understand that the developer wants to create housing products that appeal to everyone age 22 to 80, with the goal of people "moving up" within the neighborhood. Well-restricted and managed multifamily products play an important role in bringing young professionals to a community. However, Carma's depiction results in a free-for-all that seriously damages the marketability of Blanco Vista for single-family homes. That said, there is a peak amount of true multifamily that a neighborhood like Blanco Vista can absorb without altering the overall character, depending on location. Assuming it is confined to Tract J and prohibited elsewhere, I believe that amount is somewhere around 300 units. Again, this assumes effective development restrictions are in place to assure Class A apartments are constructed, rather than the entry-level apartments that have proliferated in San Marcos. Likewise, I cannot imagine more than about 150 units of townhomes appearing in Blanco Vista without significantly altering the character. Personally, I like townhomes as they are ideal first homes, homes for those lacking abilities to maintain a large yard, and empty-nesters looking to downsize. However, I have not seen an example of large-scale success with a townhome product in San Marcos.

Location of the multifamily apartment units plays a key role in how they affect the neighborhood. During the meeting, Carma volunteered to restrict apartments to the 17.5 acre Tract J on the north side of Yarrington Road. This appears to be a viable compromise location, though the raw number still requires further discussion. Tract J is really an outlier property of Blanco Vista, located completely outside of the entrance and on the other side of a major arterial designated to eventually form part of the San Marcos Loop. Placing the multifamily in this location keeps the traffic generated from the multifamily use outside of the neighborhood. In addition, it locates the multifamily near an existing apartment complex. This location has the least impact on the neighborhood. In contrast, the 2007 Concept Plan places the multifamily on Tract F, creating a host of problems. Tract F has inappropriate topography and vegetation for placement of apartment structures, lacks access to infrastructure, and forces the apartment traffic onto neighborhood streets and past the school.

It is important to note that if Carma does more than about 200 units of multifamily and townhomes, the density cap on the overall development will force Carma to do one of two things: reserve more land for open space, or shift toward larger single-family lots for the remainder (mainly 6,000sf, 11,000sf and perhaps even some estate lots). However, too many apartments will fundamentally change the character of the neighborhood, particularly if spread beyond Tract J. I think the magic number is somewhere around 300 multifamily and 150 townhomes as a tipping point for changing character.



## Chance W. Sparks, MPA, AICP

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At 24 units per acre, Tract J can only support about 420 units. One solution, assuming Carma refuses to reduce the 450 multifamily units even further, would be to allow additional multifamily on another tract, perhaps near the church, but make it age-restricted for an assisted-living/retirement (this would require a PDD, but I think it would address concerns from the neighbors about drunk college kids mowing down their kids and prevent the perceptions of reduced property values). Again, I must emphasize more than 300 multifamily units within the Blanco Vista Concept Plan risks damage to the character of the community.

I was certainly pleased to hear Carma's representative commit to a number of actions to help protect the neighborhood, even if they came to the table with the HOA late in the game. However, nearly all of his concessions cannot be implemented through a Concept Plan and thus require a PDD and perhaps even alterations to the base zoning. I believe a PDD is legally necessary to:

1. Apply LDC Section 4.3.4.5 (occupancy restrictions) to land zoned as MU, which really needs to happen in order to prevent widespread problems.
2. Modify development standards, such as setbacks and lot sizes (and fix the setback issues already created). A Concept Plan cannot legally alter development standards alone.
3. Allow municipal enforcement of any use restrictions on the community center/pool by the apartments.
4. Establish performance/architectural standards to ensure the apartments are high-quality. While obviously one cannot place rent standards or otherwise violate Fair Housing laws, there are requirements that can be used to ensure any apartments constructed are not designed to target student housing, etc. After all, it makes little practical sense to locate student-oriented apartments this distance from the campus.
  - a. Architectural standards to ensure buildings are compatible with Blanco Vista appearance, perhaps even requiring interior access rather than typical multifamily exterior access. Standards could also be put in place requiring all parking be sheltered and not be located between the building and the street, creating a more attractive streetfront.
  - b. Restrict leasing methods (prohibition on sub-leasing and leasing of individual bedrooms).
  - c. Allow use of garages to meet MF minimum parking requirements (it seems like higher quality complexes offer garages these days)
  - d. Require age-restriction on some units. For example, it could say that there be a maximum of 300 multi-family units, with an additional 150 allowed if they are age-restricted and limited to Tracts J and E. Any multifamily product outside of Tract J should carry this restriction.
5. Establish design requirements for townhomes to ensure visual compatibility and reduce negative impacts on the pedestrian environment (i.e. require garages be located to the rear and accessed via alleys).
6. Create a predictable environment in which homeowners and future purchasers can be confident in what will be built next to them, while still granting Carma some flexibility to create a unique, high-quality, diverse neighborhood.

Obviously, there are a number of other provisions that can be placed in a PDD to give Carma additional flexibility to create a successful development while affording homeowners effective protections. While Carma may in fact be well-meaning (actions related to citizen participation to date do not indicate this) I have heart failure over the enforceability of key provisions on the Concept Plan and the legal implications of it. Residents need documents that can be enforced; Carma saying "Scout's Honor" is not enough. When it comes to zoning and land use, I must always assume that the applicant is going to sell the land the next day and be out of the picture, and I have to be mindful of what remains enforceable when that occurs.

As the Commission is aware, I am a professional planner that previously worked for the City of San Marcos in a number of capacities, including Planning Manager for Development. I have offered to assist the developer in mediating the conflict between their company and the HOA, and assist in preparing any land development documents, such as PDDs, that might be necessary. I know Carma is resistant to pursuing a PDD because, frankly, they

## Chance W. Sparks, MPA, AICP

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were allowed to get away with so much under the 2007 Concept Plan. In addition, I believe Carma is concerned about onerous requirements within a PDD based on past experiences. During my tenure in San Marcos, PDDs I prepared were not particularly painful processes, and represent the best way to put these issues to rest long-term. Carma representatives have contacted me for my perspective before proceeding further with their proposal, which seems an indication that they are adopting a more cooperative tone.

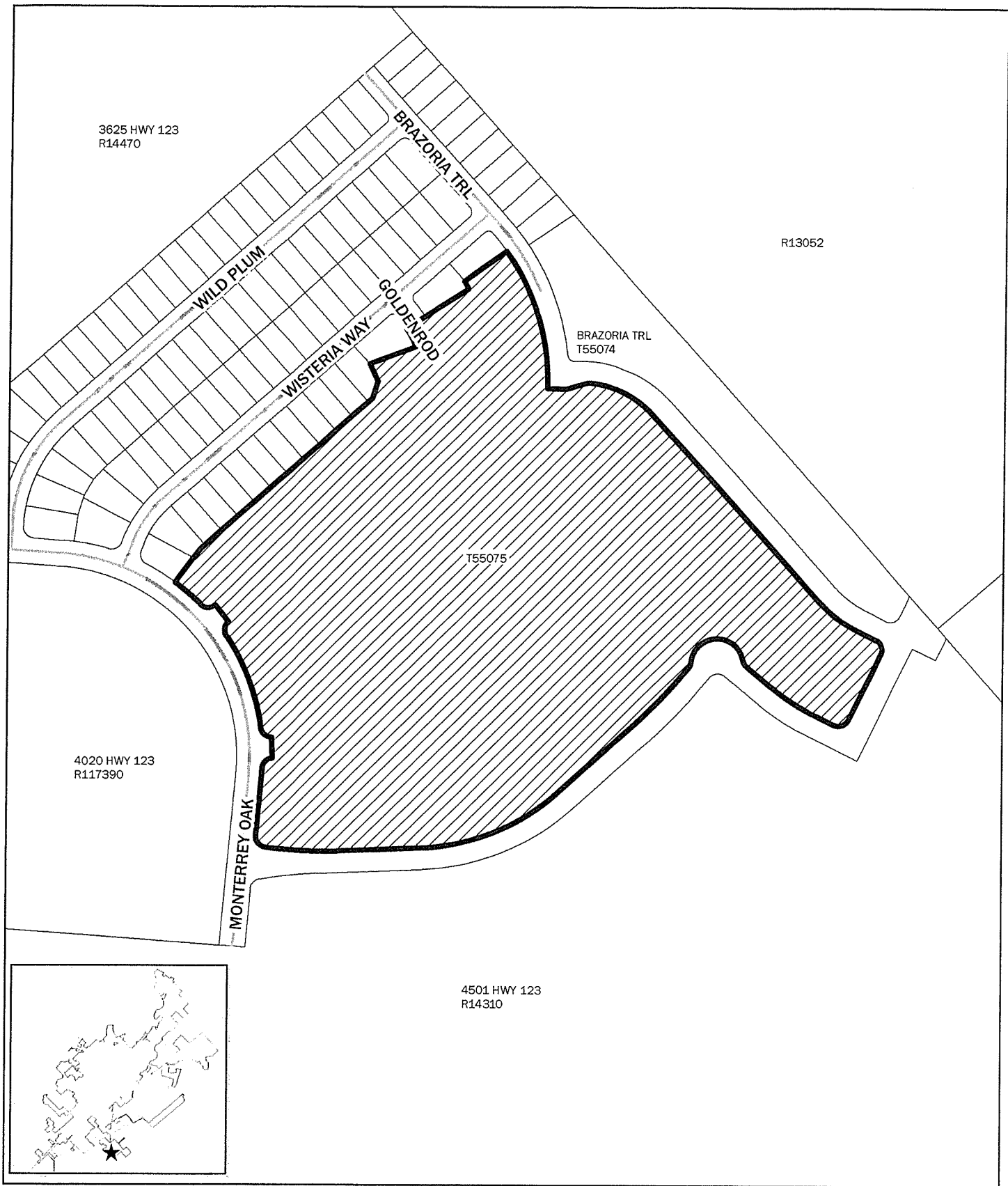
If push comes to shove, however, the City and Carma need to realize that the 2007 Concept Plan was approved in error (did not include phasing, a development schedule, etc., and modified development standards without following established due process for PDDs or variances). As a result, Blanco Vista homeowners do have legal avenues available, and I think they are not afraid to use them; the HOA is an angry, well-organized group. The PDD is the ultimate solution to all of this, and Carma would be wise to go that route.

As always, I appreciate the service the Planning and Zoning Commission provides to the community. I know from experience that volunteer Boards and Commissions are thankless jobs, with few citizens expressing gratitude for your commitment. In particular, I would like to thank Mr. Seebeck for publicly stating the importance of developer coordination with homeowners both on and off the dais.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chance W. Sparks', with a stylized, cursive script.

Chance Sparks, MPA, AICP



**PC-04-10(02c)**

**T55075**

**Map Date: 9/20/10**

Notification Buffer  
(200 feet)



Site Location



Historic District

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.



0 155 310 620  
Feet



# PC-04-10(02c) Preliminary Plat Phase 1, Section 1-C Cottonwood Creek



## **Applicant Information:**

**Applicant:** Ramsey Engineering, LLC  
3206 Yellowpine Terrace  
Austin TX 78757

**Property Owner:** Cottonwood Creek JDR, Ltd  
333 Cheatham St  
San Marcos TX 78666

**Applicant's Agent:** Steve Ramsay

**Notification:** Notification not required

**Type & Name:** Preliminary Plat Phase 1, Section 1-C Cottonwood Creek

## **Subject Property:**

**Summary:** The subject property is located in southeast San Marcos along state highway 123, about one mile south of Clovis Barker Rd. The applicant is proposing to plat 75 residential lots

**Traffic / Transportation:**  
**Land Use Compatibility:** This property is surrounded by single-family residential to the north, a school to the west, undeveloped land zoned for patio homes to the south, and undeveloped land outside city limits to the east.

**Utility Availability:** Water and wastewater service will be provided to this property by the City of San Marcos. Electrical service will be provided by Bluebonnet Electric.

**Zoning:** Subject property is currently zoned SF-6

## **Planning Department Analysis:**

This is the next phase of the Cottonwood Creek subdivision extending south of the existing phase and east of Bowie Elementary School. The subject property is not in the floodplain and does not require a watershed protection plan. The original submittal exceeded the LDC requirement for block length along the southern portion of block D. The applicant has submitted a revised plat showing a 16' trail dividing this block. The trail will be privately owned and maintained by the homeowner's association. The applicant is requesting to defer construction of the trail until the neighborhood park is constructed.

Staff is recommending approval with the following conditions:

- Change the label of the trail from "parkland dedication" to "private parkland"
- Add the following two plat notes:

- (1)The HOA will maintain the Private Park before and after trail construction.
- (2)Trail construction will occur no later than the private park improvements.
- The trail shall be constructed in compliance with ADA standards.
- Crosswalks shall be striped where the trail intersects any street.

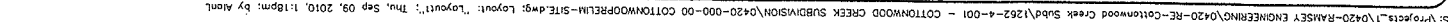
Planning Department Recommendation	
	Approve as submitted
<b>x</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Subdivision Concept Plan. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

### **Prepared By:**

John Foreman	Planner	09/20/2010
<b>Name</b>	<b>Title</b>	<b>Date</b>



## Foreman, John

---

**From:** Steve Ramsey [skramsey53@att.net]  
**Sent:** Thursday, September 16, 2010 4:11 PM  
**To:** Foreman, John  
**Cc:** Jenny Frisbie; Chris Dringenberg; Miguel Gonzales; Shawn Ash  
**Subject:** Cottonwood Creek Phase 1 Section 1-C Preliminary Plat

John:

On behalf of the owner, Randall Morris, President, Cottonwood Creek JDR, LTD., please accept this email confirming his acceptance of the following:

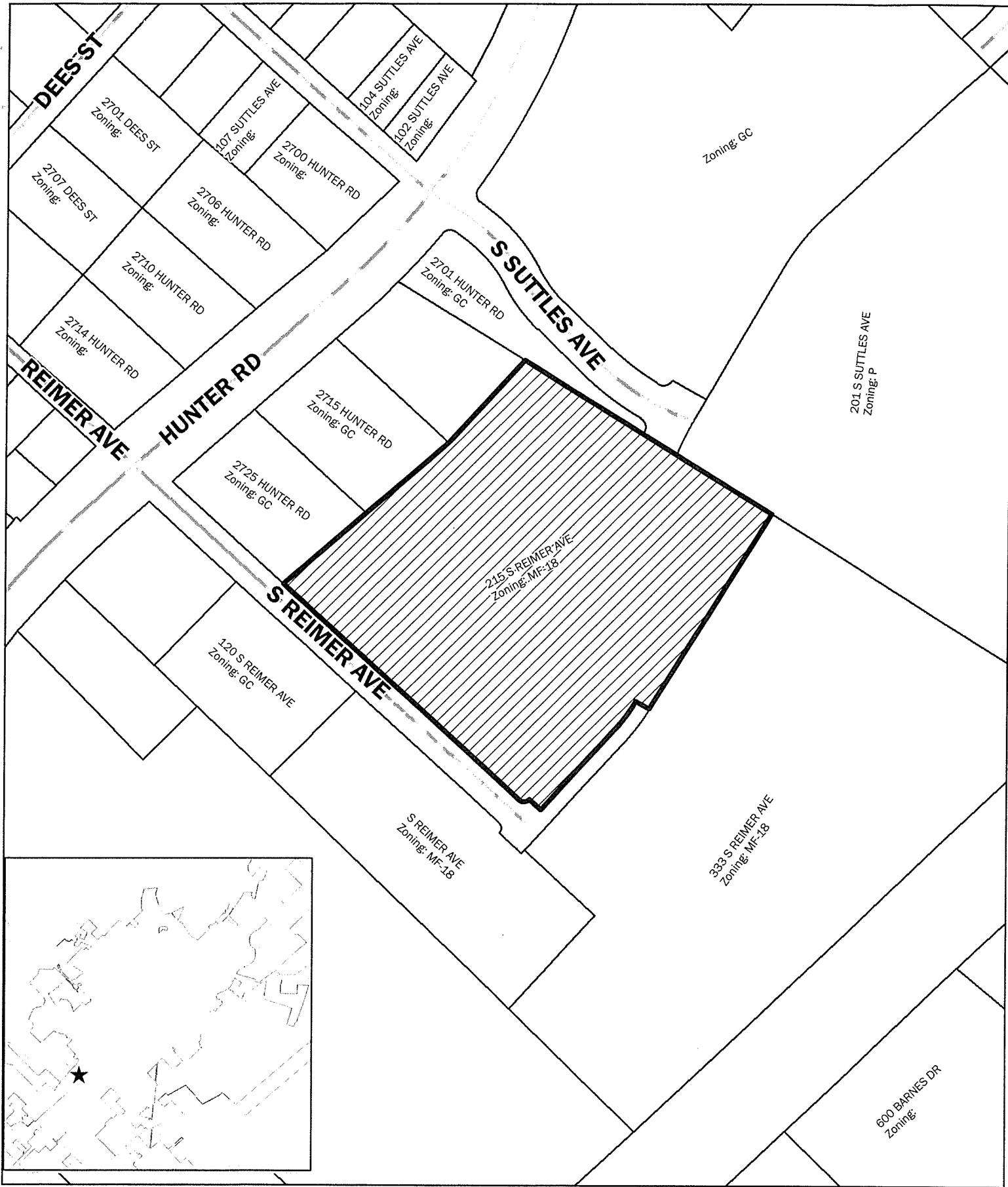
1. A 16-foot Private Park is to be platted.
2. Two plat notes will be added to the Final Plat. (1)The HOA will maintain the Private Park before and after park improvements construction. (2)Trail construction will occur with the private park improvements.

Additionally, no construction drawings for the trail construction or other private park improvements construction will be required with the Public Improvements Permitting for this section. As also discussed, your staff report will call out the above two plat notes as conditions of approval. After Planning & Zoning Commission approval of the Preliminary Plat on 9/28/10, we will update this document to reflect the Private Park (not Parkland Dedication) and add the two plat notes and submit to the City for your records.

Thank your for your assistance in this matter.

Thanks,  
Steve Ramsey, P.E.  
Ramsey Engineering, LLC  
TBPE Firm No. F-12606  
512-650-6800

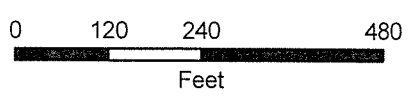




**PC-08-07(03A)**  
**Village of San Marcos**  
**Phase II Lot 1**  
**Map Date: 9/20/10**



This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.





# PC-08-07(03A)

## The Village of San Marcos, Phase II, Lot 1



### Applicant Information:

**Applicant:** Amy Ledbetter Parham  
PO Box 1136  
Buda, TX 78610

**Property Owner:** The Village of San Marcos  
C/O Penny Dunn - President  
1901 Dutton Drive, Suite E  
San Marcos, TX 78666

**Applicant's Agent:** Amy Ledbetter Parham

**Notification:** Notification not Required

**Type & Name:** Final Plat, The Village of San Marcos, Phase II Lot 1

### Subject Property:

**Summary:** The Village of San Marcos is a 501(c)(3) non-profit organization established in June 2003 and is comprised of :

- Christian Federation of Police Officers (CFPO),
- Hays county Area Food Bank,
- San Marcos-Hays County Family Justice Center,
- Hays-Caldwell Council on Alcohol and Drug Abuse,
- Community Action Inc,
- Early Childhood Intervention-Homespun Inc.

The board of directors is comprised of representatives of these service organizations, plus a few directors "at-large." Currently, Commander Penny Dunn of the SMPD is the president.

The Village of San Marcos is proposing to develop a 29.966 Acre tract into a campus that will be utilized by all of its members.

When completed the project will have:

- Three football/soccer fields - one with a track,
- A youth sports gymnasium
- A 10,000 Square Feet Food Bank facility,
- An outdoor classroom Nature Center,
- A 27,000 +/- Square Feet joint use office building
- Paved parking for all facilities

The project will be developed in three phases.

**Traffic / Transportation:** The subject property will have access to Hunter Road through Reimer Ave

**Land Use Compatibility:** This property is surrounded by commercial land uses

**Utility Availability:** Water, wastewater, and electrical services are present and will be provided to this property by the City of San Marcos.

**Zoning:** The subject property is zoned P (Public and Institutional District)

Surrounding zoning and land uses are:

	Current Zoning	Existing Land Use
N of Property	P (Public & Inst)	SMCISD Bus Barn
S of Property	MH (Manufactured Home)	Ag, Low Density Residential
E of Property	GC (Gen Com)	Under construction (Stonecreek Crossing)
W of Property	GC (Gen Com)	Vacant (undeveloped)

### **Planning Department Analysis:**

The Concept Plan for The Village of San Marcos project was approved by the Planning & Zoning Commission on April 22, 2008. The final plat of Lot 1 Phase II is consistent with the approved concept plan. As per the TIA threshold worksheet submitted at the time of concept plan, a full TIA will be required prior to the development of phase III of the concept plan.

This final plat is subject to all requirements of the Land Development Code; and has been reviewed for consistency with current City Ordinances and policies.

The City of San Marcos Engineering Department has;

- Approved the Traffic Impact Analysis;
- Approved the Watershed Protection Plan (Phase 2)

Staff is recommending **approval** of this Final Plat.

Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Final Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

### **List of Attachments:**

Location Map,  
Application,  
Concept Plan

**Prepared by:**

Abigail Gillfillan

Planner

9/21/10

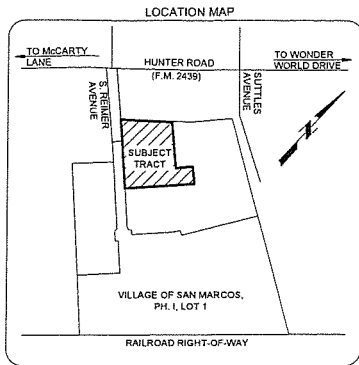
**Name**

**Title**

**Date**

FINAL PLAT OF

# THE VILLAGE OF SAN MARCOS PHASE II, LOT 1



OWNER: THE VILLAGE OF SAN MARCOS  
COMMANDER PENNY DUNN, BOARD PRESIDENT  
1901 DUTTON DRIVE, SUITE D  
SAN MARCOS, TEXAS. 78666

ACREAGE: 2.934 ACRES

SURVEY: J. M. VERAMENDI LEAGUE NO 1

NUMBER OF BLOCKS: 1

NUMBER OF LOTS: 1

LINEAR FEET OF NEW STREETS: 0 FEET

SURVEYOR: BAKER - AICKLEN & ASSOC., INC.

ENGINEER: BAKER - AICKLEN & ASSOC., INC.

**BENCHMARK:**

TBM #1 - SQUARE CUT ON BACK OF CURB SOUTH SIDE OF SOUTH REIMER AVENUE, NORTH SIDE OF DRIVEWAY, 47' SOUTHEAST OF WASTEWATER MANHOLE, 49' SOUTH OF CURB INLET LID ON NORTH SIDE OF SOUTH REIMER AVENUE AND 339' SOUTHEAST OF THE EAST RIGHT-OF-WAY LINE OF HUNTER ROAD.  
ELEV. = 665.74

TBM #2 - COTTON GIN SPINDLE WITH WASHER LABELED BYRN SURVEYING FOUND, SOUTH SIDE OF 20' MESQUITE TREE, TAG #1238, 512' EAST OF THE EAST RIGHT-OF-WAY LINE OF HUNTER ROAD, 98' SOUTH OF THE BACK OF CURB ON SOUTH SIDE OF SUTTLERS AVENUE, 81' SOUTH OF WASTEWATER MANHOLE AND 83' SOUTHWEST OF WASTEWATER MANHOLE IN SIDEWALK.  
ELEV. = 655.33

CITY OF SAN MARCOS  
PLANNING & ZONING COMMISSION

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010 BY THE  
PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

SHERWOOD BISHOP, CHAIRMAN  
PLANNING & ZONING COMMISSION

FRANCIS SERNA  
RECORDING SECRETARY

APPROVED:

MATTHEW LEWIS  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

DATE

**SURVEYOR'S CERTIFICATION:**

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

WILLIAM A. FORSHEY  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5097

DATE

STATE OF TEXAS )  
COUNTY OF WILLIAMSON )

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM A. FORSHEY, KNOWN TO ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID WILLIAM L. JOHNSON FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2010.

NOTARY PUBLIC

**NOTES:**

1. SIDEWALKS IN THE PUBLIC RIGHT-OF-WAY THAT COMPLY WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE ARE ALREADY CONSTRUCTED AND WILL BE MAINTAINED AND INCORPORATED INTO THIS SUBDIVISION.
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
3. BEARING BASIS IS REFERENCED TO CITY OF SAN MARCOS GEODETIC CONTROL NETWORK, NAD-83.
4. VERTICAL DATUM IS REFERENCED TO CITY OF SAN MARCOS GEODETIC CONTROL NETWORK, NAVD-88.
5. THIS SUBDIVISION IS IN THE CITY OF SAN MARCOS.
6. THIS SUBDIVISION LIES WITHIN THE NON-SHADED ZONE X, AREAS APPARENTLY OUTSIDE OF THE THE 500 YEAR FLOODPLAIN, HOWEVER PROJECT AREA LIES UPSTREAM OF THE LIMIT OF DETAILED STUDY TO DETERMINE THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN ACCORDING TO DATA FROM THE FEDERAL INSURANCE ADMINISTRATION, FIRM PANEL # 4829C0476F, DATED SEPTEMBER 2, 2005 FOR HAYS COUNTY, TEXAS.

STATE OF TEXAS )  
COUNTY OF HAYS )

WE, THE VILLAGE OF SAN MARCOS, A TEXAS NON-PROFIT CORPORATION, BEING THE OWNERS OF THE FOLLOWING THREE TRACTS SITUATED IN HAYS COUNTY, TEXAS: 1) A REMNANT PORTION OF A 10.00 ACRE TRACT CONVEYED TO IT BY A DEED RECORDED VOLUME 2578, PAGE 64, DEED RECORDS OF SAID COUNTY; 2) OF A REMAINDER PORTION OF A 19.81 ACRE TRACT CONVEYED TO IT BY DEED RECORDED IN VOLUME 2695, PAGE 752, DEED RECORDS OF SAID COUNTY AND 3) OF A 0.10 ACRE TRACT CONVEYED TO IT BY A QUITCLAIM DEED RECORDED IN VOLUME 3932, PAGE 598 OF THE HAYS COUNTY DEED RECORDS OUT OF THOSE LANDS SHOWN ON THIS PLAT, DOES HEREBY PLAT 2.934 ACRES BEING ALL OR PORTIONS OF THE ABOVE SAID TRACTS AS SHOWN HEREON TO BE KNOWN AS

"THE VILLAGE OF SAN MARCOS, PHASE II, LOT 1"

SUBDIVISION AND DOES HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT.

THE VILLAGE OF SAN MARCOS  
COMMANDER PENNY DUNN, BOARD PRESIDENT  
1901 DUTTON DRIVE, SUITE D  
SAN MARCOS, TEXAS. 78666

STATE OF TEXAS )  
COUNTY OF HAYS )

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED COMMANDER PENNY DUNN, KNOWN TO ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID SERGEANT PENNY DUNN, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2010.

NOTARY PUBLIC

STATE OF TEXAS )  
COUNTY OF HAYS )

LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

LINDA FRITSCH  
COUNTY CLERK  
HAYS COUNTY, TEXAS

OWNER: THE VILLAGE OF SAN MARCOS  
COMMANDER PENNY DUNN  
BOARD PRESIDENT  
1901 DUTTON DRIVE, SUITE D  
SAN MARCOS, TEXAS. 78666

ACREAGE: 2.934 ACRES

SURVEY: J. M. VERAMENDI LEAGUE NO. 1  
ABSTRACT NO. 17

SCALE: 1" = 100'

DATE OF PREPARATION: JULY 12, 2010

DATE LAST REVISED: AUGUST 23, 2010

FINAL PLAT OF  
THE VILLAGE OF SAN MARCOS  
PHASE II, LOT 1  
SHEET 1 OF 2  
PROJECT NO. 1684-4-001-46

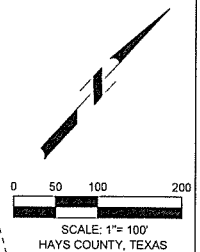


FINAL PLAT OF



- IRON ROD WITH "BAKER-AICKLEN" CAP SET UNLESS NOTED OTHERWISE
- IRON ROD WITH CAP FOUND (AS LABELED)
- ⚡ BENCHMARK

SAN MARCOS CISO  
34.639 ACRES  
VOLUME 2544, PAGE 647



MISSOURI - PACIFIC RAILROAD, DESCRIBED IN DEED TO  
INTERNATIONAL AND GREAT NORTHERN  
RAILROAD COMPANY  
0.909 ACRES  
VOLUME 44, PAGE 534

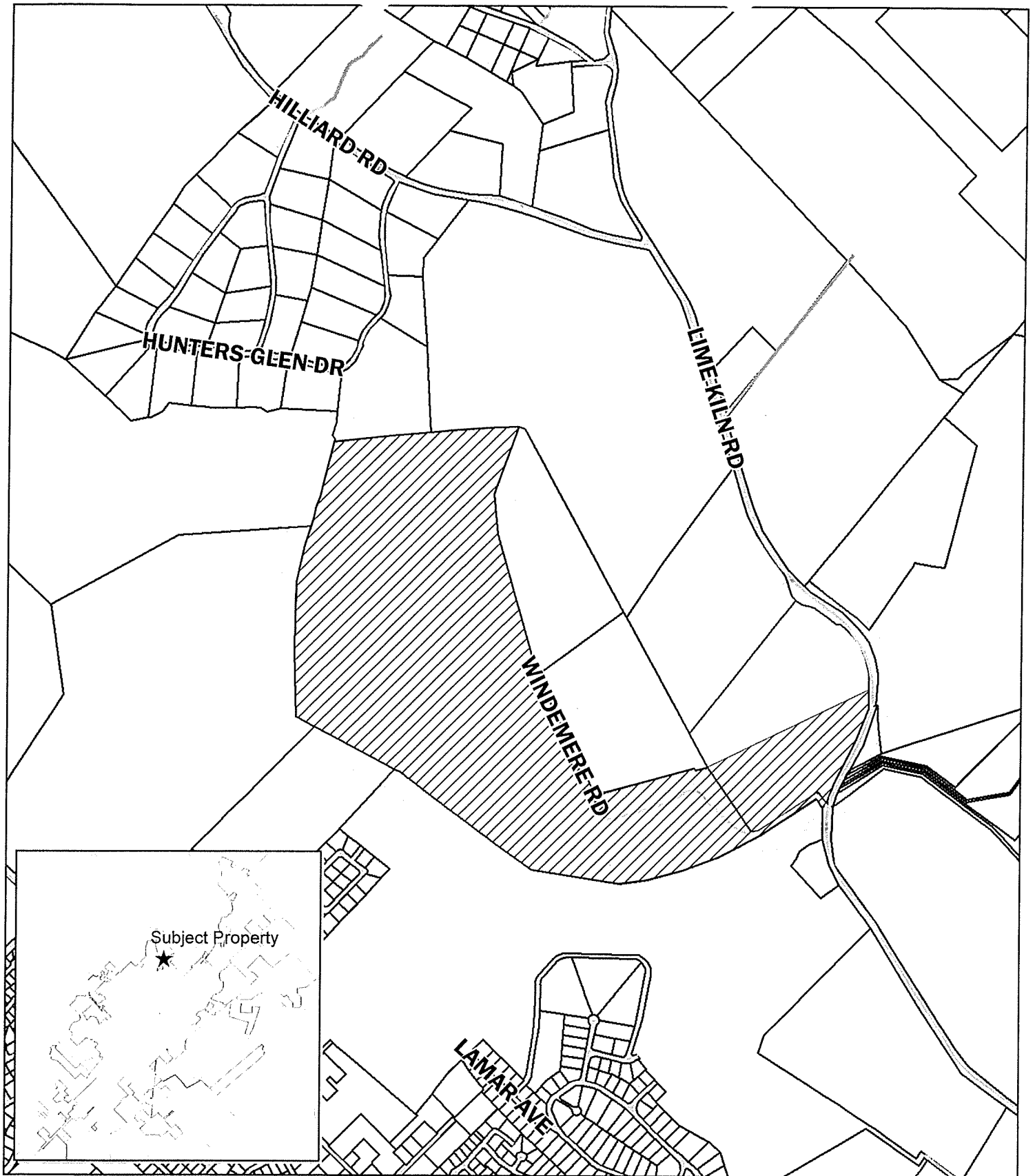
OWNER: THE VILLAGE OF SAN MARCOS  
COMMANDER PENNY DUNN  
BOARD PRESIDENT  
1901 DUTTON DRIVE, SUITE D  
SAN MARCOS, TEXAS. 78666

ACREAGE: 2.934 ACRES  
SURVEY: J. M. VERAMENDI LEAGUE NO. 1  
ABSTRACT NO. 17

SCALE: 1" = 100'  
DATE OF PREPARATION: JULY 12, 2010  
DATE LAST REVISED: AUGUST 23, 2010

FINAL PLAT OF  
THE VILLAGE OF SAN MARCOS  
PHASE II, LOT 1  
SHEET 2 OF 2  
PROJECT NO. 1684-4-001-46





**PVC-10-04**  
**Windemere Dr**  
**Map Date: 09/16/10**

Notification Buffer  
(200 feet)



Site Location



Historic District

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.

0 625 1,250 2,500  
Feet







# **PVC-10-04 Plat Variance Windemere Ranch**



## **Applicant Information:**

**Applicant:** Hermann Vigil  
4303 Russell Dr  
Austin TX 78704

**Property Owner:** Vince Wood  
Rob Haug  
2009 FM 620 North Ste 130  
Austin TX 78734

**Applicant's Request:** The applicant is requesting a variance from Section 7.4.1.2 (f) of the Land Development Code, which requires right of way to be dedicated in accordance with city standards. The applicant is proposing to reduce right of way for a portion of a residential collector.

**Notification:** Personal notification letter mailed to all property owners within 200' on September 17, 2010.

**Response:** One email in opposition as of September 22, 2010

## **Subject Property:**

**Location:** Windemere Ranch, San Marcos, TX  
West of the intersection of Windemere Road and Lime Kiln Road, near the intersection with Sink Creek, approximately one mile northwest of Post Road, on the outer edge of the City limits in the northwest quadrant of the City of San Marcos.

**Legal Description:** 235.06 Acres out of the E. Clark Survey, A-84, Edward Burleson Jr. Survey, A-75, and T.J. Chambers Survey, A-2, Hays County, TX

**Existing Zoning:** FD (Future Development)

**Land Use Map:** Low Density Residential.

**Utilities:** Currently there is no City water or wastewater service available to this proposed development, but the Sink Creek Sewer interceptor, a CIP project, is currently under design and will serve this development.

**Existing**

**Use of Property:** Vacant.

**Proposed**

**Use of Property:** Very Low Density Residential

**Code Requirement and Background Information**

The subject property consists of two tracts of land mostly divided by a 60' wide strip of land extending from the adjacent property to the north. The smaller  $\pm 20$  acre tract fronts Lime Kiln Road, but the larger  $\pm 212$  acre tract has access only by means of a 47' wide gap between the strip to the north and the property line to the south. This is the only connection between the two tracts and is partially located in the floodplain of Sink Creek. The property is situated adjacent to and abuts Sink Creek and is entirely within the Edwards Aquifer Recharge Zone, which results in a limit of 20% impervious cover per the City of San Marcos Land Development Code (LDC). The property was annexed in 2009 in preparation for development. The Spring Lake Preserve, a publicly owned environmental preserve, borders the subject property to the south.

The applicant submitted an earlier request to allow development of 75 or more lots with only one point of access. The request was withdrawn by the applicant prior to Commission action. This request is to allow a variance from the city's roadway cross-section for a portion of a planned residential collector. The LDC Section 7.4.1.2 states:

(f) Street Dedications.

(1) Dedication of right-of-way. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan and as required by the TCSS or by other valid development plans approved by the Planning and Zoning Commission.

**Planning Department Analysis:**

The proposed concept plan shows a 60' residential collector accessing the development, which is consistent with the required designation in the city's thoroughfare plan. However, at the point where the property narrows, there is insufficient land to dedicate the 60'. Here the right of way is proposed to narrow to 47' for a length of approximately 60'. An alternative cross-section is shown on the exhibit submitted with the application.

The applicant's exhibit contains an error. The right-of-way shown for the residential collector is 60', but the cross-section on the plans requires 65', despite the fact that the plans read, "60' R.O.W. typical section." The applicant has indicated that this is an error, and the exhibit should show 65' right-of-way. The first condition recommended below addresses this.

The property is currently designated for very low density residential development and open space in the *Horizons Master Plan*. Development of the type proposed in the application will require a zoning change but is consistent with the *Horizons Master Plan*. The applicant's exhibit

indicates zoning of SF-R, which is the anticipated zoning. The current zoning is FD, Future Development.

Staff has evaluated the request with regard to the criteria for subdivision variances.

<b>Section 1.10.2.4 Criteria for Approval</b>	<b>Staff Comment</b>
1. There are special circumstances or conditions arising from the physical surroundings, <u>shape</u> , topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;	<i>The shape of the lot is the reason for the variance request. Strict application of the LDC would render the rear section of the subject property undevelopable.</i>
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;	<i>Most surrounding properties have direct access to existing streets.</i>
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;	<i>This request is necessary for a substantial property right.</i>
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;	<i>See discussion below</i>
5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;	<i>The variance request does not inhibit the use of other properties in the area. The narrowing of the right of way within the development will not affect nearby properties.</i>
6. Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapters 4 through 7 of this Land Development Code;	<i>Granting this variance will not eliminate or reduce compliance with any other aspects of the Land Development Code</i>
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;	<i>The applicant purchased the property in its current condition. Attempts to increase access have been unsuccessful.</i>
8. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and	<i>As with any development, there is a financial incentive to this request. However, the request is necessary for access to the property for residential development in accordance with what has been called for in the Horizons Plan prior to the owners' purchase of the property.</i>
9. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.	<i>The minimum degree of variance is requested, and staff is recommending conditions to assure this.</i>

## **Health, Safety, Welfare**

Although the right of way narrows in this section, the pavement dimension is not proposed to be reduced. 5' bicycle lanes continue through the reduced section, and sidewalks are reduced from 5' to 4'. Emergency vehicles require 12' lanes, which are provided. Unlike the prior variance request, which was both denser and more intense, the Fire Department and Fire Marshal have not raised objections to this request.

The right of way does pass through the floodplain at the point where it narrows. This will require a Qualified Watershed Protection Plan. The applicant has submitted preliminary designs for a culvert crossing at this point. Because of drainage patterns and the fact that this is the only point of access for the majority of the development, staff from various departments have recommended that a bridge structure be constructed instead.

## **Planning Department Recommendation**

Staff finds that, with the conditions noted below:

- The request is consistent with the criteria in 1.10.2.4, and
- The request is necessary for the development of this property in accordance with the *Horizons Master Plan*

It is important to note that approval of this request should in no way be interpreted as a zoning entitlement. The SF-R zoning shown on the exhibit submitted by the applicant is **not** the current zoning and no application has yet been made to change it from the current designation of FD. Also, there are significant issues on this site regarding environmental protection and site design which will need to be addressed in subsequent phases. The granting of this variance will not alleviate any of these issues.

Staff recommends **approval** of the request with the following conditions:

1. Except for the 47' alternative cross-section, all other right of way shall be dedicated and constructed to city standards;
2. No more than 74 total lots shall use the new residential collector as their sole point of access;
3. The property shall not be developed more densely than shown on the concept plan;
4. A Qualified Watershed Protection Plan shall be approved prior to site development, and
5. The owners shall design and construct a bridge structure that allows the conveyance of the 100-year storm flow from a fully-developed upstream condition without encroachment outside the right-of-way during construction or operation of the roadway.
6. The reduced width of the cross-section shall be utilized only where necessary to meet these conditions.

Planning Department Recommendation	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this variance request. The city charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

### **Section 1.10.2.4 Criteria for Approval**

In deciding the variance petition, the decision-maker shall apply the following criteria:

1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
6. Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapters 4 through 7 of this Land Development Code;
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
8. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
9. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.







# **TRAFFIC IMPACT ANALYSIS: 51** **THRESHOLD WORKSHEET** DEVELOPMENT SERVICES CITY OF SAN MARCOS

Pursuant with Sec. 7.4.3.2, an initial traffic impact study shall be submitted with a petition to establish a planned development or other overlay zoning district, an application for a cluster development plan or the first plat application for the development. An updated traffic impact study shall be submitted with each subsequent plat application submitted for approval and shall be generally consistent with the initial traffic impact study. The initial traffic impact study shall be updated whenever the plan for development within the overlay zoning district, cluster development plan or plat application is modified to authorize more intensive development. For questions, call the Environment & Engineering Department at 393-8130.

PROJECT INFORMATION			
Project Name:	Windemere Ranch		
Address:	Lime Kiln Road approximately 1 mile northwest of Post Road		
Legal Description (if platted):	235 Acres in T.J. Chambers, E. Burleson Jr., R. Clever & E. Clark Surveys		
Current Land Use Designation:	Very Low Density Residential	Proposed Land Use Designation	Very Low Density Residential
Zoning Classification	FD (Future Development)	Proposed Zoning Classification	SFR & FD

OWNER INFORMATION		
Owner/Contact: Rob Haug & Vince Wood		
Company: Rob Haug & Vince Wood		
Address: 2009 RR 620 North, Suite 130		
City: Austin	State: Texas	Zip: 78734
Phone: (512) 266-0052	Fax: (512) 266-0656	
Email: robhaug@hotmail.com & vwood8@hotmail.com		

OWNER'S REPRESENTATIVE INFORMATION		
Contact: Hermann Vigil, P.E.		
Company: Vigil & Associates		
Address: 4303 Russell Drive		
City: Austin	State: Texas	Zip: 78704
Phone: (512) 326-2667	Fax: (512) <del>448-8989</del>	
Email: hermann@vigilandassociates.com		

PETITION TYPE (check one)					
Zoning	PDD	Concept Plan	Prelim. Plat	Final Plat	Other (specify):
					Variance Application

SUBMITTAL TYPE (check one)	
Original Submittal	Subsequent Submittal
	✓



TRAFFIC IMPACT				
ITE Code	Land Use	Units (of measure)	Trip Rate per Unit	Generated Trips
210	Single Family Residential	75 D.U.	9.57	718
Total No. of Trips				718

Note: The use of the latest ITE Trip Generation Manual rates is required. ITE = Institute of Transportation Engineers, *Trip Generation*, 7th Edition. 525 School Street, S.W., Suite 410, Washington, DC 20024-2729; (202) 554-8050.

(For Official Use Only, Do Not Write in this Box)	
_____	A traffic impact analysis <b>is</b> required. The consultant preparing the study must meet with City staff to discuss the scope and requirements of the study before beginning the study. The traffic generated by the proposed development exceeds the threshold requirements (300 VPD for residential streets or 2000 VPD for all other streets.)
_____	A traffic impact analysis is <b>not required</b> . The traffic generated by the proposed development does not exceed the threshold requirements (300 VPD for residential streets or 2000 VPD for all other streets.)
_____	The traffic impact analysis has been waived for the following reason(s):
<div>Reviewed by:</div> <div>Date:</div>	



# Report for Qualified Watershed Protection Plan Phase 1



## Applicant Information:

Engineer: Jacobs

Property Owner: Carma Paso Robles LLC

Applicant's Request: Reclamation of land within the existing 100-year floodplain

Public Hearing: September 28, 2010

## Subject Property:

Location: End of Centerpoint Road at Hunter Road

Frontage On: Centerpoint Road, Hunter Road, McCarty Lane

Existing Zoning: Future Development/Unzoned

Future Land Use Map: Very Low Density Residential, Open Space (northwest of Hunter)  
High Density Residential, Commercial, Industrial, Open Space (southeast of Hunter)

Sector: 9 (and portions outside City Limits)

Existing Use of Property: Vacant, Residential, Agricultural

Proposed Use of Property: Residential, Golf Course, Commercial

## Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	NA	Residential, Vacant Land
S of Property	NA	Vacant Land, Residential
E of Property	PI	Commercial, Church, Vacant Land, Residential
W of Property	NA	Residential, Vacant Land



**Engineering Analysis :**

The applicant is requesting approval of a qualified watershed protection plan based upon reclamation of land within the 100-year floodplain of Purgatory Creek. A portion of the site is currently within the floodplain. Portions of the site are also within the Edwards Aquifer Recharge, Transition, and Contributing within the Transition Zones.

The appropriate Water Quality Zones, Buffer Zones, and Sensitive Feature Protection Zones have been established and will be memorialized on the plat(s) for the subdivision.

The applicant is proposing to leave the floodplain undisturbed, in a natural condition as much as possible. The proposed reclamation will possibly include roadway crossings, installation and operation of reclaimed water and wastewater lines, and grading for the golf course. Any necessary mitigation for disturbance will be required.

Impervious cover on the site will be limited based on zoning in some areas and based on code restrictions in areas over the Edwards Aquifer Recharge Zone, and areas within special protection zones (Water Quality, Buffer, Sensitive Feature).

Regional detention and water quality basins are proposed to attenuate flows of stormwater runoff from the site. The Planned Development District (PDD) zoning document proposed for the project calls for a minimum of 85% removal of any increase in total suspended solids (TSS) from the developed site over the Edwards Aquifer Recharge and Contributing Zones. Pollutant load removal of 70% of the TSS increase will be required to be achieved throughout the development outside the Recharge and Contributing Zones. More specific plans of the drainage, detention, and water quality facilities will be included in subsequent Phase 2 Watershed Protection Plans for this project.

Based upon the Engineering review of this Qualified Watershed Protection Plan it meets the applicable technical requirements of Chapter 5 of the Land Development Code.

Engineering Recommendation	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

All development within the project shall be designed and operated to achieve the appropriate stormwater pollutant removal through the use of appropriate best management practices (BMPs) approved by the City. Over the Recharge Zone and the Contributing Zone within the Transition Zone, removal of a minimum of 85% of the development increase of TSS shall be achieved. Over the Transition Zone, removal of a minimum of 70% of the development increase of TSS shall be achieved.

No Phase 2 Watershed Protection Plan will be finally approved over the Recharge Zone or Contributing Zone within the Transition Zone without the approval of the appropriate Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Protection Plan(s) [Water Pollution Abatement Plan (WPAP), Contributing Zone Plan (CZP), Sewage Collection System Plan (SCS), etc.].

**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed Qualified Watershed Protection Plan, Phase I. After considering the public input, the Commission, following the recommendation of the City Engineer, is charged with approving, conditionally approving, or denying the request.

The criteria for evaluating a request for a Qualified Watershed Protection Plan I is:

(1) Reclaimed land - factors. For developments where reclamation of land within the 100-year floodplain is proposed:

- a. Whether the Reclamation Concept Plan (which is an element of both phases of the Watershed Protection Plan when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
- b. Whether the Reclamation Concept Plan (which is an element of both phases of the Watershed Protection Plan when reclamation is proposed) meets the general standards in Chapter 5, Article 1, and the specific criteria in Chapter 5, Article 4, Division 2; and
- c. Whether any adverse impacts have been appropriately mitigated.

The Commission's action on the Qualified Watershed Protection Plan, Phase I may be appealed to the City Council.

List of Attachments:

- Watershed Protection Plan Phase 1 – 6 Sheets

Prepared by:

*Kathryn Woodlee*

**Kathryn Woodlee, P.E.**

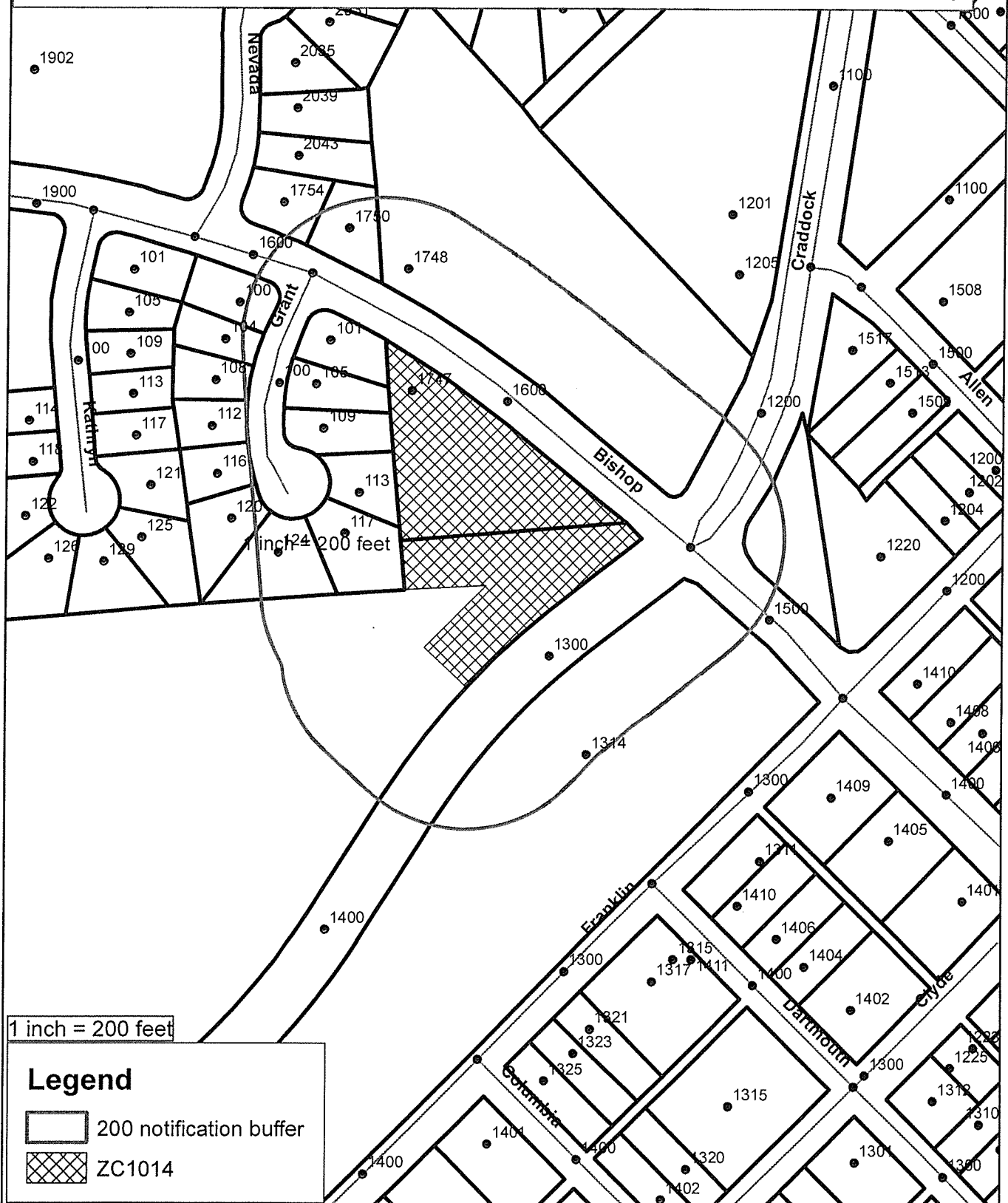
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**Name**

**Senior Engineer, Permit Center Manager**

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**Title**







# Zoning Change ZC-10-14 Buie Tract



## Summary:

**Applicant:** Baker-Aicklen & Associates, Inc  
2108 Hunter Rd, Ste 106  
San Marcos TX 78666

**Property Owner:** Craddock Avenue Partners LLC  
PO Box 5555  
Austin TX 78763

**Applicant Request:** Zoning change from Single-Family (SF-6) to Mixed Use (MU)

**Notification:** Public hearing notification mailed and posted on Friday September 17<sup>th</sup>.

## Subject Property:

**Legal Description:** 2.23 acres of land out of the Thomas Chambers Survey Abstract No. 2

**Location:** Southwest corner of Craddock Avenue and Bishop Street

**Existing Use of Property:** Ranch

**Existing Zoning:** SF-6

**Future Land Use Designation:** Mixed Use

**Proposed Use of Property:** Mixed use development

**Proposed Zoning:** Mixed Use (MU)

**Sector:** Sector 2

**Neighborhood:** Adjacent to Franklin Square, Oak Heights, and Westover

**Frontage On:** Bishop and Craddock

**Utilities:** The developer will be responsible for extending Water and Wastewater service to the site.

## **Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Land Use</b>
<b>N of Property</b>	Bishop Street/SF-6	Undeveloped
<b>S of Property</b>	MU/MF-12	Undeveloped
<b>E of Property</b>	Craddock Avenue/MU	Undeveloped
<b>W of Property</b>	SF-6	Single Family homes

## **Project Summary:**

The subject property is part of a larger 174.24 acre tract, bounded by North Bishop, Franklin Drive, and Wonder World Drive (with the Craddock Avenue extension bisecting the property). Approximately 6 months ago the Planning and Zoning Commission reviewed zoning for approximately 46.08 acres. The portion of the property bounded by the Craddock Avenue extension and Franklin Drive was rezoned to Mixed Use while the portion west of Craddock Avenue, for the exception of 2.3 acres, was zoned MF-12.

### **Timeline of Events:**

- December 1, 2009- City Council entered into a Development Agreement with Craddock Avenue Partners
- December 8, 2009- PZ held a public hearing and voted to postpone action on all zoning and land use cases for the site to allow the applicant time to submit a geologic assessment to TCEQ
- April 13, 2010- The Planning and Zoning Commission voted to recommend approval or zoning and land use amendment request for site.
- May 4, 2010- The City Council held a public hearing for the zoning and land use map amendment cases for the site.
- May 28, 2010- The applicant requested to withdraw 2.23 acres out of the 12.88 acre Mixed Use zoning request.

## **Planning Department Analysis:**

The MU, Mixed Use District, when assigned to tracts of land generally greater than one acre, is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. On tracts of one acre or less, the Mixed Use District is intended to permit small scale mixed use buildings that have residential units above retail or office uses, especially on existing residential use properties. Bed-and-breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open area are desired in order to promote a pedestrian-friendly environment. It is not the purpose of this zoning district to permit or encourage properties used for single-family residences to be converted to exclusively commercial or multi-family use. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

- (1) Residential uses in conjunction with nonresidential activities, possibly located above retail and office establishments;
- (2) All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;
- (3) Central green spaces;
- (4) Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and
- (5) Outside spaces, such as small parks, courtyards, and outdoor eating areas.

Providing for commercial areas within close proximity to residential uses creates the opportunity for residents to access commercial services without relying on the use of an automobile. Traditional Neighborhood Design promotes a balanced mix of residences, shops, workplaces, civic uses, and recreation within a neighborhood in order to allow residents an opportunity to meet more of their daily needs through shorter trips.

Sector 2 is located in the northwest portion of the City and is generally bounded by Ranch Road 12, Midway, and Prospect Streets and the city limits. Sector 2 is approximately 1.26 square miles in size (about 7% of the city). Sector 2 is primarily a residential area made up of mostly single-family homes. The Sector 2 plan received a technical update in May of 2007. At that time the land use analysis reflected the following:

- Single family residential zoning made up approximately 45% of the sector.
- Mixed Use zoning made up 0.86% of the sector (mostly located along Ranch Road 12).
- Public zoning made up 41.48 % of the sector (mostly made of up parks, schools, and the cemetery).
- Multi-family and duplex zoning made up 4.9% of the sector.
- Commercial zoning made up 1.33% of the sector

Since the technical update in 2007 there has been one rezoning to office professional (along Ranch Road 12) and the multi-family and mixed use rezonings associated with the Buie Tract. The sector goals however have not changed from when the sector plan was first adopted in 2001 and updated again in 2007. The development goals for the sector call for the following:

- “Walkable”, pedestrian-friendly neighborhoods
- “Neighborhood friendly” development mitigating impact of high intensity uses on surrounding neighborhoods.
- A mixed use neighborhood center is envisioned as being part of the surrounding neighborhoods by including small-scale, low-impact shopping and office uses that primarily serve the needs of the nearby residents.
- Traffic calming to reduce “cut-through” traffic
- Preserve and enhance the visual character of the neighborhoods.

Successful neighborhoods are vital to the success of a community, both in attracting and retaining residents. The first neighborhoods built in San Marcos are neighborhoods that include a variety of housing types, offer options in accessing daily needs and encompass the sector goals identified above. The current land use make up of the sector has made it very difficult for residents to access their daily needs without the use of an automobile. Therefore limiting who and for how long a person can live in a neighborhood. Land use recommendations made both in the sector plan and in the Horizons Master Plan, particularly in the commercial and mixed use areas, are dependent upon the successful implementation of zoning changes that conform with the identified goals.

Due to the single family residential homes located adjacent to the tract there has been strong concern regarding screening and buffering of potential non-residential uses. The Land Development Code has requirements for screening of non-residential uses adjacent

to residential uses (please see Attachment 1 for requirements). Screening is an important aspect of developing a site and plays a crucial role in the quality of life of property owners who abut uses more intense than their own. The review of site screening requirements takes place during the site preparation permit phase of development at a time when a more definitive use of the site is identified.

However, it is during the rezoning/entitlement phase of the development process that it is essential to analyze the appropriateness of uses and standards permitted, under the requested zoning district, within the immediate area. The uses and development standards for the MU zoning designation have been attached to this report.

Staff has reviewed the requests for consistency with the Land Development Code and has made the following findings:

- The proposed zoning amendment implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps. The request for a zoning designation of Mixed Use is consistent with the Horizons Master Plan call for a "Mixed Use Neighborhood Center".
- The uses permitted by the proposed change will be appropriate in the immediate area of the land to be reclassified. Uses permitted as part of the requested zoning designation will provide nearby residents a balanced mix of residences, shops, and workplaces. Staff does have some concerns regarding the standards applicable to permitted uses and feels the following standards should be reviewed for possible revisions to the land development code:
  - The location of parking on the site
  - Signage
  - Location of utilities
  - Building Materials

Evaluation		Horizon's Master Plan
Consistent	Inconsistent	
X		<b>Policy LU-1.1:</b> The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.
	X	<b>Policy LU-1.15:</b> The City shall encourage development to occur in the "preferred growth corridors." The two "preferred growth corridors" include southeast San Marcos bounded by Hunter Road on the north and State Highway 123 on the east, and northeast San Marcos bounded by IH-35 on the west and State Highway 80 on the south.
X		<b>Policy LU-1.16:</b> The City shall work to preserve the community's small town atmosphere by carefully controlling the location and quality of new growth
X		<b>Policy LU-2.1:</b> The City shall take measures to preserve the trees, vegetation, and scenic beauty of San Marcos, and to restore some of that beauty in existing areas whenever possible.

Evaluation		Horizon's Master Plan
Consistent	Inconsistent	
X		<b>Policy LU-2.2:</b> The City shall regulate development and encourage suitable land uses over the Edwards Aquifer and adjacent to the San Marcos and Blanco rivers.
X		<b>Policy LU-3.1:</b> The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.
X		<b>Policy LU-3.9:</b> The City shall encourage very low density or cluster-type developments in the Edwards Aquifer Recharge Zone and shall develop appropriate standards for cluster-type development which will be adopted as part of the subdivision and zoning ordinances.
X		<b>Policy LU-3.12:</b> The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.
X		<b>Policy LU-4.2:</b> The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.

Evaluation		Sector 2 Policy Statements
Consistent	Inconsistent	
X		A Mixed Use Neighborhood Center is planned for the approximately 9 acre area shown as Mixed Use on the Future Land Use Map at the corner of Bishop Street and <i>Craddock Avenue</i> . This area is envisioned as a small-scale, neighborhood-friendly area with uses that are compatible with, and mainly serve the needs of, nearby residential areas.
X		Sector Two should have "walkable" neighborhoods that are pedestrian-friendly for children and adults
X		Development in Sector Two should be "neighborhood-friendly" by minimizing or mitigating the negative impacts of higher intensity uses

Based on the criteria above, staff believes that the request is consistent with the adopted policies and plans of the city regarding development in this area:

Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps;
- (2) Whether there is a development agreement in effect;
- (3) Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.

**List of Attachments:**

Case Map  
Screening Requirements  
List of uses permitted by right in MU district  
Development Standards for MU district

**Prepared by:**

Sofia Nelson                      Senior Planner

September 21, 2010

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Name	Title	Date
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## **Attachment #1**

### **Section 6.1.2.1 Nonresidential and Multiple-Family Screening Required (New Construction)**

- (a) *Requirement Criteria.* This Section shall apply to the following:
  - (1) Any nonresidential use that is separated by only a street or has a side or rear contiguous to any residential use other than multiple-family.
  - (2) Any multiple-family use that is separated by only a street or has a side or rear contiguous to any residential district other than multiple-family.
- (b) The following shall apply in either case outlined above:
  - (1) The nonresidential or multiple-family use shall construct an opaque screening fence a minimum of six feet in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway.
  - (2) Buildings shall be set back from the applicable street or property line at a width equal to twice the required setback. (Ref. Table 4.1.6.1.)
  - (3) Prior to construction of buffers, as defined in Section 6.1.2.4 (3), complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
    - a. The screen will withstand the pressures of time and nature; and
    - b. The screen adequately accomplishes the purpose for which it was intended.
  - (4) The Building Official shall determine if the buffer meets the requirements of this Section.

## **Attachment 2- Permitted Uses in Mixed Use**

Farmers Market  
Farms, General (Crops)  
Bed and Breakfast Inn  
Community Home  
Family Home Child Care  
Loft Apartments  
Single Family Detached House  
Single Family Townhouse (Attached)  
Bank or Savings and Loan (w/o Drive-thru)  
Offices (Professional)  
Offices (Medical Office)  
Artist or Artisans Studio  
Automobile Driving School (including Defensive Driving)  
Barber/Beauty Shop, Haircutting (non-college)  
Hotel/Motel  
Laundry/Dry Cleaning (Drop Off/Pick Up)  
Photocopying/Duplicating/Copy Shop  
Pharmacy  
Restaurant/Prepared Food Sales  
Retail Store (under 10,000sf or more Bldg.) no outside sales  
Civic/Conference Center  
Health Club (Physical Fitness; Indoors Only)  
Museum (Indoors Only)  
Adult Day Care (No Overnight Stay)  
Child Day Care (Business)  
Meeting Place/Nonreligious  
Fraternal Organization/Civic Club  
Governmental Building or Use (Municipal, State or Federal)  
Nursing/Convalescent Home  
Philanthropic organization  
Post Office (Private)  
Post Office (Governmental)  
Retirement Home/Home for the Aged  
School, K through 12 (Public)  
Caterer



### **Attachment 3- Zoning Development Standards**

<b>Standard Category</b>	<b>MU</b>
Lot/Parcel Area, Minimum Sq. Ft.	600 0
Lot/Parcel Area, Maximum Acres	20
Units per Acre, Maximum/Gross Acres	5.5
Lot Frontage Minimum Feet	50
Lot Width, Minimum Feet	50
Front Yard Setback, Minimum Feet	25
Side Setback, Minimum Feet, Interior	7.5
Side Setback, Corner, Minimum Feet	15
Rear Yard Setback, Minimum*	5ft.*
Lot Depth, Minimum Feet	100
Impervious Cover, Max. %**	60%
Building Height, Maximum Stories	4

## Section 4.3.4.2 Renewable Energy Systems

- (a) *Purpose:* The purpose of this ordinance is to facilitate the installation and construction of renewable energy systems in the City of San Marcos, subject to reasonable restrictions, which will mitigate possible nuisances and preserve the public health and safety.
- (b) *Applicability:* The requirements set forth in this ordinance shall govern the siting of renewable energy systems used to generate electricity or perform work which may be connected to the electric distribution grid, serve as an independent source of energy, or serve in a hybrid system. The requirements of this ordinance shall apply to all renewable energy systems proposed after the effective date of this ordinance. renewable energy systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that no modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this ordinance.
- (c) *Zoning:*
  - (1) Small Renewable Energy Systems may be permitted as an accessory structure in all districts. If the system does not meet the standards of that zoning district a conditional use permit may be available
  - (2) Large Renewable Energy Systems may be permitted in the Heavy Commercial (HC), and Heavy Industrial (HI) Zoning District, or with a Conditional Use Permit in the Light Industrial (LI) Zoning District.
- (d) *Removal of defective or abandoned renewable energy systems:* Any renewable energy system found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. If any renewable energy system is not operational for a period of 12 consecutive months or more, the city will request by registered mail and provide 45 days such response for the landowner to provide corrective action. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the city deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the structure at their own expense within 120 days of receipt of notice from the city. The city shall have the authority to pursue legal action if necessary.
- (e) *Size:*
  - (1) The size of all small renewable energy systems shall not exceed the total number of kilowatts needed to generate the amount of electricity for the established uses on the property unless the applicant can demonstrate the on-site need for additional power
  - (2) A large renewable energy system is any system designed to exceed the total number of kilowatts needed on the property on a consistent basis

(f) Application Requirements

- (1) Compliance with International Building Code: Building permit applications for renewable energy systems shall be accompanied by standard drawings, and site plan (showing the location of the proposed renewable energy system and the locations of all existing buildings, structures and property lines to scale along with distances).
- (2) Building permit applications for renewable energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.
- (3) An engineering analysis of any structure over 24 feet total height showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted.
- (4) When a renewable energy source will be connected to the electric distribution grid an interconnect agreement with the electrical utility provider must be in place prior to the issuance of a building permit

(g) Additional Requirements for Small Wind Energy Systems

- (1) Visual Appearance; Lighting; and Powerlines
  - a. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community. Small wind energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards require otherwise. The Director of Development Services may require a photo of a small wind energy system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
  - b. At small wind energy system sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the small wind energy system to the natural setting and then existing environment.
  - c. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
  - d. Small wind energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.

- e. Electrical controls and control wiring and power-lines shall be wireless or underground except where small wind energy system wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
  - f. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- (2) The following setbacks and separation requirements shall apply to all small wind energy systems and MET Towers;
- a. No small wind energy structure shall be closer to any property line than a distance equal to 1.1 times the height of the structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a property line. Setbacks from property lines do not apply to wind energy systems attached to existing towers, utility structures, or to turbines mounted upon a building.
  - b. Wind energy systems mounted upon a building shall not project more than 8 feet above the roof or parapet.
  - c. The tower height of a free-standing small wind energy system shall not exceed a maximum height of 80 feet on a parcel of between ½ acre and one acre. For property sizes of one acre or more, there is no limitation on maximum height except as imposed by required setbacks and FAA regulations. For property sizes less than ½ acre tower height is restricted by the applicable setbacks.
  - d. Communication and electrical lines: Each small wind energy system shall be set back from the nearest above-ground public electric power line or telecommunication line a distance no less than 1.1 times its Total Height, determined from any part of the existing power line telecommunications line or supporting structure.
  - e. No portion of small wind energy systems or MET towers, including guy wire anchors, may extend closer than 30 feet from any property line.
  - f. Roof-top wind energy installations shall be set back from the edge of the building a minimum distance of two times the height of the turbine
- (3) *Minimum Ground Clearance* The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than fifteen (15) feet, as measured at the lowest point of the arc of the blades.
- (4) Safety

- a. Wind turbine towers shall not be climbable up to 12 feet above ground level.
- b. All access doors to wind turbine towers and electrical equipment shall be lockable.
- c. Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers, electrical equipment, and small wind energy systems.
- d. Compliance with FAA Regulations: Wind energy systems must comply with regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.

(h) Additional Requirements for Small Solar Energy Systems

(1) Height

- a. Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof
- b. Roof-mounted systems shall not project more than five feet above the deck or parapet of a flat roof. All mounting hardware shall be screened from view according to Section 6.1.2.4
- c. Ground-mounted systems shall not be higher than eight feet
- d. Appurtenant components must be located within an enclosed structure or screened according to Section 6.1.2.4

(i) Additional Requirements for Large Solar Energy Systems

- (1) Misdirection of Solar Radiation: The proposed solar energy project has been designed and would be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads, or other areas accessible to the public.
- (2) Public Safety: The proposed solar energy project has been designed and would be operated to protect public safety, including development and implementation of a plan or operating procedures to prevent public access to hazardous areas
- (3) Airport Proximity: The proposed solar energy project is not located adjacent to or within the control zone of any airport
- (4) Cleaning Chemicals and Solvents: During operation of the proposed solar energy project, all chemicals or solvents used to clean photovoltaic panels and heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
September 14, 2010**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Bill Taylor, Vice-Chair  
Randy Bryan  
Jude Prather  
Curtis O. Seebeck  
Jim Stark  
Chris Wood  
Travis Kelsey

**City Staff:**

Matthew Lewis, Development Services Assistant Director  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday September 14, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

No one signed up to speak.

**6. PC-04-07(01c).** Hold a public hearing and consider a request by Melissa Neslund, on behalf of Cama Inc., for a concept plan amendment for the Blanco Vista Subdivision.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

Melissa Neslund, the applicant, gave a brief overview of the project.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Prather, the Commission voted all in favor to approve postpone PC-04-07(01c) to the September 28, 2010 Planning & Zoning Commission meeting to allow the applicant time to address the following requirements for a concept plan: designation of each phase of development, the order of development, and a schedule for the development of each phase; and the location and amount of each type of use within the subdivision. The motion carried unanimously.

**7. Discussion Items.**

Commissioner Couch suggested scheduling a workshop for the Planning Commission and City Council to discuss expectations.

Chair Bishop provided the Commission with copies of the Recusal Process.

Chair Bishop discussed with the Commissioner the need to allow every Commissioner time to discuss their views without interruption.

**Planning Report**

There was no Planning Report.

**Commissioners' Report**

There was no Commissioners' report.

**8. Consider approval of the minutes from the Regular Meeting on September 14, 2010.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan, the Commission voted eight (8) for and none (0) opposed, and one (1) abstained to approve the minutes of the regular meeting on September 14, 2010. The motion carried. Commissioner Couch abstained.

**9. Questions and answers from the Press and Public.**

There were no questions from the public.

**10. Adjournment**

Chair Bishop adjourned the Planning and Zoning Commission at 7:50 p.m. on Tuesday, September 14, 2010.

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Sherwood Bishop, Chair

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Bill Taylor, Commissioner

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Jim Stark, Commissioner

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Jude Prather, Commissioner

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Chris Wood, Commissioner

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Curtis Seebeck, Commissioner

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Randy Bryan, Commissioner

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Travis Kelsey, Commissioner

ATTEST:

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Francis Serna, Recording Secretary

